



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT MOMBASA**

**Civil Appeal 224 of 2010**

**HARRISON SINAI ..... APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

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**RULING**

The Applicant herein **HARRISON SINAI** filed this present application seeking to be admitted to bail pending appeal. He has also filed an earlier application for leave to file appeal out of time. With respect to this latter application there being no opposition by the State the same is hereby allowed. The Applicant is hereby granted leave to file his appeal out of time.

With respect to the second application for bail pending appeal, the Applicant failed or omitted to attach the lower court proceedings. It is therefore impossible to establish exactly what charge the Applicant faced. Without these proceedings it is also not possible to establish whether this appeal does indeed have overwhelming chances of success. The Applicant claims that he is a student but he has not produced any evidence e.g. a letter of enrolment or school report to prove this fact. On the whole I do find that this present application for bail pending appeal has not been supported by sufficient facts to enable this court to consider the same. As such I do hereby reject the Applicant's plea for bail pending appeal.

However in order to expedite the Applicant's appeal I do hereby admit the same. The Registry are directed to serve the State with record of appeal.

Mention on 29<sup>th</sup> June 2010.

**Dated and Delivered at Mombasa this 21<sup>st</sup> day of May  
2010.**

**M. ODERO**

**JUDGE**