



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT EMBU**

**Criminal Appeal 70 of 2010**

**MARGARET WACEKE NGARUA.....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**R U L I N G**

The Applicant herein was convicted by the Kerugoya Principal Magistrate for the offence of obtaining money by false pretences and sentenced to serve 3 years imprisonment.

She has appealed against the conviction and sentence but in the meantime she has moved this court for bail pending Appeal.

She seems to rely only on one ground – that this Appeal has *“Extremely overwhelming chances of success”*.

The Application is opposed by learned Counsel for the state who submitted that there was uncontroverted evidence to the effect that the appellant was the one who was paid the money in the presence of a witness. I do not wish to pre-empt the outcome of the Appeal but I would not describe the chances of its success as “extremely overwhelming”. She may have an arguable appeal but that is all there is to it.

There are no other exceptional circumstances cited to warrant me to release her on bail. She is serving a lawful sentence and I am certain that her Appeal can be processed and heard before she serves a substantial part of that sentence.

I therefore find the application without merit and I dismiss the same.

**W. KARANJA**  
**JUDGE**

Delivered, signed and dated at Embu this 1<sup>st</sup> day of July 2010.

**In presence of:- Applicant and Mr. Wohoro for state.**