

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Criminal Appeal 89 of 2009

1. ABDI YUSUF

2. HUSSEIN ADAN

3. SIYAD YUSUFU.....APPELLANTS

VERSUS

REPUBLIC.....RESPONDENTS

RULING

I have perused the record of the Lower Court and also heard counsel upon the application for bail pending appeal. Having done so, I am persuaded that the order sought by the appellants is deserved. I say so, because the sentence imposed upon the appellants would prima facie seem illegal.

If this appeal is heard in the normal manner the appellants will in the interim be serving what may turn out to be an illegal sentence.

In the premises, I allow the application by way of Chamber Summons dated 4th June 2009. The appellants may be released on bail pending appeal if they each deposit Kshs. 8,000/= cash bail. Should they make the deposit,

they should be released to appear before this court on 14th July 2009 when this case will be mentioned to ascertain the status of the Appeal.

F. AZANGALALA

JUDGE

9TH JUNE 2009