



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT EMBU**

**Criminal Appeal 192 of 2007**

**JOSEPH GACHOKI SAMUEL.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

The applicant represented by counsel applies to be admitted to bail. He is serving 3 years imprisonment on a lawful conviction of a offence of “obtaining money by False pretences contrary to section 313 Penal Code”. The offence is described in the penal code Section 312. He has already filed this appeal which it is submitted has high chances of success. The money involved is shs.250,000/= according to charge sheet. The state opposes this application saying there are no chances of success. I have considered the submission of counsel as to the chances of success.

I am unable to say that the appeal has overwhelming chances of success. But it is true the applicant has a right of appeal. The critical point is to prove that the applicant has an appeal with high chances of success. Here there is evidence that the complaint was duped and parted with his shs.250,000/= This court cannot say at this stage that in the circumstances the appeal will succeed. There is no reason why the appeal should not be processed within a short time to avoid delay. I therefore do not find any reason to warrant granting bail to the applicant.

The application is dismissed.

Dated this 18<sup>th</sup> February, 2008.

**J. N. KHAMINWA**

**JUDGE**