



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

Criminal Appeal 153 of 2007

SUSAN MUTHONI MUTURI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

CONSOLIDATED WITH

CRIMINAL APPEAL NO. 154 OF 2007

MUSA MUTURI MURUMIA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

Criminal Appeals Nos. 153 and 154 of 2007 were consolidated for purpose of hearing having arisen from same trial. Both appellants are represented by one advocate Ms Thungu.

On 20/11/2007 she filed application seeking that the appellants be released on bail. Both applications are similar. The grounds upon which the order are sought that the sentence is 2 years and that the appeals have overwhelming chances of success. The appellants are husband and wife and they have young children who need to be looked after. The offence charged is grievous harm contrary to Section 234 Penal Code which is bailable. Counsel relied on the authority of **Criminal Appeal Kenneth Mwangi & 5 others vs Republic 2005 KLR** copy supplied,

I have considered the application and the arguments of both applicants and statement. There is evidence that the appellants are not likely to abscond because they have a young family and a home here. The sentence being of 2 years is likely to be served substantially before the appeal is finalized and although the state counsel submits that the appeal has no chances of success, I note the points the applicants' counsel has pointed out.

In the circumstances I admit the applicants to bail upon each signing a personal bond in the sum of Shs.100,000/= with two sureties in similar sum. The sureties shall be approved by Deputy Registrar of this court.

It is so ordered.

Dated this 27th November, 2007.

J. N. KHAMINWA

JUDGE

27/11/2007

Khaminwa – Judge

Njue – Clerk

Mr. Kimathi State Counsel

N/A for Applicants Counsel

Read in open court.

J. N. KHAMINWA

JUDGE