



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

**AT NYERI**

**Crim Misc Appli 234 of 2005**

**CHARLES KARUGA WAHOME .....**  
**APPLICANT**

**VERSUS**

**REPUBLIC .....**  
**RESPONDENT**

**R U L I N G**

Charles Karuga Wahome (hereinafter referred to as the applicant) was tried and convicted of the offence of Robbery contrary to Section 296(1) of the Penal Code. He was sentenced on the 5<sup>th</sup> October 2005 to serve 2 years imprisonment. The applicant has now lodged an appeal against his conviction and sentence. The applicant has also brought this application under section 357 of the Criminal Procedure Code seeking to be admitted to bail pending appeal. It is the applicant's contention that his appeal has overwhelming chances of success. Mr. Muthoni who appeared submitted that the applicant's conviction was based on an identification which was not free from error as the circumstances were not favourable for a positive identification. Mr. Muthoni has apparently convinced learned Principal State Counsel Mr. Orinda who has conceded that the appeal has high chances of success as the identification was questionable.

I have on my part perused the proceedings and memorandum of appeal and do concur that the appeal has high chances of success. I do therefore allow the application and do order that the applicant be released on bail pending appeal. He may be released on his own Bond of Kshs.50,000/= and a surety of like sum to be approved by the Deputy Registrar.

***Dated signed and delivered this 26<sup>th</sup> day of April 2006.***

**H. M. OKWENGU**

**JUDGE**