

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT NYERI

Criminal Appeal 143 of 2006

CHARLES MWAI MURIITHI APPELLANT

VERSUS

REPUBLIC RESPONDENT

R U L I N G

Charles Mwai Muriithi hereinafter referred to as the applicant was tried and convicted by the Senior Resident Magistrate Karatina for the offence of stealing contrary to Section 275 of the Penal code. He was sentenced on 6th July 2006 to serve 3 years imprisonment. Being aggrieved by his conviction and sentence he has filed an appeal which is pending for hearing. In the meantime he has brought this application under section 357 of the Criminal Procedure Code seeking to be admitted to bail pending the hearing of his appeal. It is, the applicant's contention that his appeal has overwhelming chances of success as his conviction was unsafe and irregular, and that unless released on appeal he is likely to complete serving the sentence before his appeal is heard.

The application is opposed by the state through state Counsel Mr. Mugwe who contends that the appeal has very remote chances of success as the evidence which was adduced against the appellant was firm and unshaken I have considered this application and I am satisfied that the applicant has an arguable appeal which has reasonable chances of success. In the circumstances it is only fair that he be released on bail pending the hearing of his appeal. The applicant may be released on his own Bond of Kshs.200,000/= plus 1 surety of like sum. The surety to be approved by the Deputy Registrar.

Dated signed and delivered this 24th day of November 2006.

H. M. OKWENGU

JUDGE