

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS)

CRIMINAL APPLICATION 680 OF 2004

(From Original Criminal Case No.66 of 2004 of the Senior Principal Magistrate's court at Kiambu).

STANLEY MUKUNJA KIHARA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The applicant was charged with robbery with violence Contrary to Section 296(2) of Penal Code but was convicted under Section 296(1) and sentenced to serve 7 years imprisonment. He applies to be released on bond pending appeal on the ground of illness. The application is supported by sworn affidavit. He submitted that he contracted Tuberculosis while in prison and that he also suffers from ulcers. On the alternative he prays that if he cannot be released on bail, he be given an early hearing date.

I have considered the application and I do not find any merit in it. There are no documentary evidence supporting the application. However, I order that he be given a hearing date in the registry on priority basis.

Dated and delivered at Nairobi this 1st February, 2005.

J.L.A. OSIEMO

JUDGE