



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**Criminal Appli 35 of 2005**

**MOSES MUIGAI KARIUKI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**R U L I N G**

The Application has been brought through Notice of Motion under Section 357 of the Criminal Procedure Code, Cap 75, Laws of Kenya. The application seeks the following orders:-

- (a) **That the Appellant be released on bail pending the determination of the appeal filed herein.**
- (b) **That in the alternative this Honourable Court do order that the execution of sentence be suspended pending the hearing and determination of the Applicant's appeal.**

The application is based on the grounds that are shown on the surface of the same.

During the hearing of the application, the Assistant Deputy Public

Prosecutor never objected to the same on the ground that the Applicant will have served a substantial portion of his sentence before his appeal is heard. He also conceded that the draft Petition of Appeal had demonstrated that the intended appeal had overwhelming chances of success.

In view of the sentiments expressed by Mr. Gumo, the Court hereby grants the Applicant, a Bond of Kshs.50,000/- with 2 Sureties to be approved by the Deputy Registrar, Nakuru. The appeal is also admitted to hearing before one Judge in Nakuru High Court.

**ORDER**

The Criminal Registry is hereby directed to fix the appeal for hearing before any Judge within the next 60 days.

**MUGA APONDI**

**JUDGE**

**5<sup>TH</sup> MAY, 2005**

Ruling read signed and delivered in open Court in the presence of Mr. Gumo for State and Mr. Orina for applicant.

**MUGA APONDI**

**JUDGE**

**5<sup>TH</sup> MAY, 2005**