



IN THE HIGH COURT OF KENYA AT KISII  
CRIMINAL APPEAL NO.37 OF 2004

(From original conviction and sentence of the CM's court at Kisii in criminal case No.1705 of 2001.)

THOMAS MACHUKI OGETI ..... APPELLANT  
VERSUS  
REPUBLIC ..... RESPONDENT

RULING:

I have considered the application for bail pending appeal and the replying thereto. The issue of compliance with s.200 CPC and the fact that the doctor never gave evidence are pertinent. I feel this is a proper case to grant bail.

The application is therefore allowed. The appellant be released on his own bond of shs.30,000/= with one surety of similar amount.

It is so ordered.

**Signed, dated and delivered on 24th May 2004.**

**KABURU BAUNI**

**JUDGE**

**24/5/04**

Mr. Ondika for Applicant

Mr. Kemo for State

**KABURU BAUNI**

**JUDGE**

**24/5/04**