



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT KISII  
CRIMINAL APPEAL NO.86 OF 2004

(From original conviction and sentence of the CM's court at Kisii in criminal case No.1543 of 2001)

BENARD OKEYO OMBOGA ..... APPELLANT  
VERSUS  
REPUBLIC ..... RESPONDENT

RULING:

I have considered the application and the objection. Indeed the initial magistrate who handled the matter or called for a probation report, which was favourable to the appellant.

The magistrate who took over the case said he considered the report but did not say anything more. I feel this is a proper case to release the appellant on bail.

The application is allowed. Appellant be released on his own bond of shs.50,000/= with one surety of similar amount.

It is so ordered.

KABURU BAUNI  
JUDGE  
4/6/2004

**11-6-2004**

In the high court criminal registry.

Today Chacha clerk from Kerosi Ondieki & Ondika & Co. Advocates for the appellant present.

No appearance for the state.

**Order:** The appeal is listed down for mention on 19th July 2004 for purposes of fixing a hearing date. The appellant's counsel to serve the State Counsel for Respondent.

**DEPUTY REGISTRAR  
KISII.**