



**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.**