



REPUBLIC OF KENYA



**Karanja v Republic (Criminal Appeal E011 of 2025)
[2025] KEHC 3020 (KLR) (13 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3020 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
CRIMINAL APPEAL E011 OF 2025
EM MURIITHI, J
MARCH 13, 2025**

BETWEEN

CLEMENT MWANGI KARANJA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Appellant who is serving a sentence of imprisonment for 20 years for defilement contrary to section 8 (1) and (4) of the [Sexual Offences Act](#) beginning 24/1/2025 seeks bail pending appeal by a Notice of Motion dated 20/2/2025.
2. The primary ground for bail pending appeal is that he is in a poor health condition and that the present incarceration has seriously aggravated his state of health and the prison authorities are unable to provide the recommended special diet and that the prison facilities lack capability to supply him with lifesaving medicine.
3. The Appellant has exhibited medial reports on his condition from his private doctor and the County Hospital of Kirinyaga urging that the prison environment are not conducive to the management of his chronic health condition.
4. The DPP does not oppose the application for bail pending appeal and only urge in submissions filed in Court that the Court “interrogates the document attached more particularly medical documents attached and marked CMK 2, 3 and 4 and make appropriate action.”
5. The Court is mindful of the test in *Jivraj Shah v. R* (1986) KLR 605 with regard to applications for bail pending appeal that the principal consideration in such an application for bail pending appeal is the existence of exceptional or unusual circumstances upon which the Court can fairly conclude that it is in the interests of justice to grant bail.



6. As held in *Dominic Karanja v. R* (1986) KLR 612 “ill health per se does not constitute an exceptional or unusual circumstance in every case as there exists medical facilities for prisoners in the Country.”
7. Consequently, the applicant for bail pending appeal primarily founded on medical grounds must satisfy the Court that the hospital facilities available in the Prison environment are not sufficient to address his particular medical condition and health needs. The Court has seen the reports by the applicants’ two medical facilities but no report has been given by the Prison authorities on their capability, or otherwise, of dealing with the necessary medicinal and dietary interventions that the ailment suffered by the applicant demands.

Orders

8. Accordingly, the Court will call for such a report from the Prison Authorities on their Medical facilities and capabilities, or otherwise, to deal with the Applicant’s condition before further consideration of his application for bail pending appeal.
9. Mention for further directions on 20/3/2025.

Order accordingly.

DATED AND DELIVERED ON THIS 13TH DAY OF MARCH 2025.

EDWARD M. MURIITHI

JUDGE

Appearances:

Mr. Wainaina for Mr. Wandugi for the Appellant.

Mr. Mamba for the DPP.

