



REPUBLIC OF KENYA



KENYA LAW
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**Magondu v Republic (Criminal Appeal E015 of 2025)
[2025] KEHC 4608 (KLR) (10 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4608 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL APPEAL E015 OF 2025**

MA ODERO, J

APRIL 10, 2025

**FROM ORIGINAL CONVICTION AND SENTENCE IN CRIMINAL CASE
NO. E270 OF 2016 OF THE SPM MAGISTRATE'S COURT AT KARATINA**

BETWEEN

JUDY MUTHONI MAGONDU APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Judy Muthoni Magondu has filed an application seeking to be admitted to bail pending the hearing and determination of her appeal.
2. The Applicant had been charged with the offence of Intermeddling with the Property of the Deceased Person contrary to Section 45(1) and 2(a) of the [Law of Succession Act](#).
3. Following the hearing of the matter Hon E. Kanyiri, Principal Magistrate convicted the Applicant and thereafter sentenced her to serve one (1) year imprisonment without the option of a fine.
4. Being aggrieved by both the conviction and sentence the Applicant filed a Petition of Appeal dated 26th February 2025. She now seeks to be admitted to bail pending the hearing and determination of the Appeal.
5. The learned state Counsel did not oppose the application for bail pending appeal.
6. It is not the duty of the court at this stage to delve into the merits or otherwise of the intended appeal. All that the court needs to determine is whether the application for bail pending appeal is merited.
7. I have considered this application, I noted that the Applicant was slapped with a custodial sentence with no option of a fine. I note from the record that the Applicant is one of the Administrators of



the estate whilst the complainant was a ‘purchaser’ and not a beneficiary to the estate. There is no indication that Applicant is a flight risk.

8. I have perused the Petition of Appeal and in my view the Applicant has an arguable appeal. The Applicant is a 64 year old woman and she has submitted medical documents indicating that she suffers from hypertension and chronic back pain. The applicant has already been in custody for two (2) months. There is the very real risk that she may end up serving the entire sentence before her appeal is heard and determined.
9. Taking all relevant factors into account am satisfied that this application is merited. I hereby admit the Applicant to bail pending appeal in the amount of Kshs. 200,000/= + one surety of a like sum or in the alternative a cash bail of Kshs. 100,000. It is so ordered.

DATED IN NYERI THIS 10TH DAY OF APRIL 2025.

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MAUREEN O. ODERO

JUDGE

