



**Gatwiri v Republic (Civil Appeal E012 of 2025)
[2025] KEHC 10932 (KLR) (25 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10932 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CIVIL APPEAL E012 OF 2025
SM GITHINJI, J
JULY 25, 2025**

BETWEEN

DOREEN GATWIRI APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. Doreen Gatwiri was charged in the lower court with the offence of grievous harm Contrary to Section 234 of the [Penal Code](#).
2. The particulars of the offence being that on the 17th day of June, 2020 at Irindi village, Kirindara Sub-Location, Ntunene Location, in Igembe North Sub-County within Meru County, unlawfully did grievous harm to Purity Karimi.
3. Upon trial, she was found guilty of the offence, convicted and sentence to serve 3 years imprisonment.
4. Dissatisfied with the said conviction and sentence she preferred an appeal before this court through a petition of appeal dated 14th May, 2025. Prior to that she had filed a Notice of Motion dated 23rd April, 2025 under Certificate of Urgency, of which is the subject of the ruling herein. Her prayers are that the application be certified urgent and that this honourable court be pleased to admit her to bail pending hearing and determination of the appeal.
5. The said application is premised on the grounds:-
 - i. That the applicant was sentenced to serve 3 years imprisonment for the offence of causing grievous harm.
 - ii. That the appeal has overwhelming chances of success.



- iii. That there are exceptional factors in the instant case, as the appellant risk serving the entire sentence before the appeal is heard and determined.
 - iv. That the appellant has school going children who are currently under no care and supervision of any parent.
 - v. That the applicant has medical conditions that may jeopardize her continued stay in prison.
6. The respondents were served and filed no response to the application, The applicant relied on her Supporting Affidavit dated 23/4/2025.
 7. In her affidavit she alleges that she suffers from a diabetic medical condition that requires regular medical attention and a special diet, a facility which is not available at the prison.
 8. She has also deponed that she is a mother of 6 children of which 4 are of school going and 1 is aged 3 years. The children are now vulnerable and under no care. Previously she was on bond of Kshs. 50,000/= and attended court whenever required.
 9. The principles governing the grant of bail pending appeal are well settled. In *Jivraj Shah v Republic* [1986] KLR 605, the court held that:-

“The principal consideration in an application for bail pending appeal is whether the appeal has such overwhelming chances of success that there is no justification for depriving the appellant of his liberty.”
 10. In *Ademba v Republic* [1983], the court observed:-

“An applicant for bail pending appeal has lost the presumption of innocence given that he has been convicted.”
 11. Having considered the application, the supporting affidavit, and the lower court record, I do find as follows:-
 1. Upon a preliminary perusal of the Grounds of Appeal, and consideration of the evidence on record and Judgment of the lower court, I am not persuaded that the appeal has overwhelming chances of success.
 2. The appellant was sentenced to serve 3 years imprisonment. The record is ready and nothing would inhibit the court from hearing and determining the appeal before a substantial portion of the sentence is served.
 12. Balancing the appellant’s right to liberty against the public interest and the seriousness of the offence, I do find that this is not a proper case for the exercise of discretion in favour of the applicant.
 13. As such, the application is short of meeting the legal threshold for granting of bond pending appeal. It is therefore, dismissed.
 14. Record be served upon the respondent. The appeal be canvassed by way of Written Submissions. Record be served within 7 days and Submissions be filed within 14 days; by respondent within 14 days upon service.
- Mention 06/10/2025.

DATED AND DELIVERED AT MERU THIS 25TH JULY, 2025



S.M. GITHINJI

JUDGE

Appearances:-

Ms. Adhi for the state.

Applicant –Absent.

Applicant be notified.

S.M. GITHINJI

JUDGE

