



**Maruti & another v Republic (Criminal Appeal E053 of 2024)  
[2024] KEHC 9873 (KLR) (10 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9873 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
CRIMINAL APPEAL E053 OF 2024  
REA OUGO, J  
JULY 10, 2024**

**BETWEEN**

**VALENTINE NASIPONDI MARUTI ..... 1<sup>ST</sup> APPELLANT**

**BETHWEL KIBOI KIPRUTO ..... 2<sup>ND</sup> APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Valentine Nasipwondi Maruti, the 1<sup>st</sup> appellant/applicant vide an application dated the 9<sup>th</sup> May 2024 seeks an order that she be released on a personal recognizance on the undertaking that she will appear in court as and when required pending appeal. The application is supported by the applicant's affidavit dated 9.3.2024. The applicant states that she has filed an appeal against the conviction and sentence by the SPM Court at Kimilili. She relies on section 357 (1) of the Criminal Procedure Code. She claims that her appeal has an overwhelming chance of success. That the trial magistrate erred in law and fact when she proceeded to convict the applicant in proceedings that were conducted without ascertaining whether or not the applicant understood what was read to her.
2. The respondent did not oppose the application. Miss Matere submitted that they have no objection, as at the time the applicant took the plea she was not informed of her right of representation.
3. The applicant's application is not opposed for good reasons. Section 357 (1) of the Criminal Procedure Code provides as follows; After the entering of an appeal by a person entitled to appeal, the High Court, or the subordinate court which convicted or sentenced that person, may order that he be released on bail with or without sureties, or, if that person is not released on bail, shall at his request order that the execution of the sentence or order appealed against shall be suspended pending the hearing of his appeal:



4. I note that the applicant was on bond in the lower court of the sum of Kshs. 100,000/- ( one hundred thousand). No prejudice will be caused, to the respondent if she is released on the same bond terms.
5. Thus, I grant the applicant's application as follows; the applicant shall be released on her bond of Kshs. 100,000/- plus one surety of like amount. The applicant shall attend court as directed by the court.

**DATED, SIGNED, AND DELIVERED VIRTUALLY AT BUNGOMA THIS 10TH DAY OF JULY 2024.**

**R.E.OUGO**

**JUDGE**

In the presence of:

Valentine Nasipondi Maruti/ Appellant/ Applicant in person

Miss Matere -State Counsel ODDP

Wilkister/ Diana - C/A

