



**Muriithi v Republic (Criminal Appeal E237 of 2023)
[2023] KEHC 22240 (KLR) (Crim) (18 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22240 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL APPEAL E237 OF 2023
DR KAVEDZA, J
SEPTEMBER 18, 2023**

BETWEEN

DR KINYUA MURIITHI APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. Dr. Kinyua Muriithi, the applicant, filed an application dated 23rd August, 2023 seeking to be released on bail pending the hearing and determination of his appeal. The overarching ground of the application is that his appeal has overwhelming chances of success. Further, that he did not abscond court during trial having been admitted to a cash bail of Kshs.10,000 by the trial court. The application is supported by an affidavit sworn by his counsel, Mr. Alex Masika, which affidavit elaborated the said grounds.
2. At the hearing of the application, Mr. Alex Masika, counsel for the applicant, reiterated the above grounds emphasizing that the applicant was wrongfully convicted and sentenced. Mr. Kiragu, the State counsel, conceded to the application on the ground that the applicant's appeal indeed has overwhelming chances of success.
3. I have considered the application, the supporting affidavit and the submissions of both counsel. At the outset I wish to state that there is no contest as the application is not opposed. The State has indeed conceded that the appeal has high chances of success because the sentence imposed against the applicant is unlawful.
4. It is trite law that once an applicant demonstrates that the appeal has overwhelming chances of success, he must be released on bond/ bail

(See *Dominic Karanja vs Republic* [1986] K.L.R. 612.).



5. There being no objection to the application, I find no justification for denying the applicant bail pending appeal. I hereby allow the application as prayed and the applicant is hereby granted a cash bail of Kshs. 50,000/=.

It is so ordered.

RULING DATED AND DELIVERED VIRTUALLY THIS 18TH DAY OF SEPTEMBER 2023.

D. KAVEDZA

JUDGE

In the presence of:

Mr. Masika or the Applicant.

Mr. Kiragu for the Respondent.

Appellant absent virtually.

Joy C/A.

