

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPEAL NO. 78 OF 2017

ISLAM ALI OMAR.....APPELLANT

VERSUS

REPUBLIC.....STATE

(Appeal from the Judgment of the Chief Magistrate's Court at Nakuru Hon. G.H Oduor– Chief Magistrate delivered on the 15th September, 2015 in CMCR Case No. 3431 of 2007)

RULING

Before this court was the Notice of Motion dated 19/9/2017 in which the appellant **ISLAM ALI OMAR** sought to be released on bail during the pendency of his appeal.

The appellant had been tried and convicted by the learned Chief Magistrate sitting at Nakuru Law Courts in **Nakuru CMCC No. 3431 of 2007**. The appellant was sentenced to serve one (1) year imprisonment. He filed an appeal challenging both his conviction and sentence.

The application was not opposed by the learned State Counsel.

At this point the court is not being asked to determine the merits or otherwise of the intended appeal. The court is only being asked to determine if the plea for bond pending appeal is merited.

I note that the appellant was out on bond during his trial and at no time did he abscond from the court. There is no allegation that appellant is a flight risk or that he had no known abode.

In order not to render this intended appeal nugatory I am inclined to allow this application. The accused may be released on bail pending the hearing and determination of his appeal. He is granted bond of Ksh. 500,000/= plus one surety of a like sum.

Maureen A. Odero

Judge

9/10/2017