



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA AT BUNGOMA.**

**CRIMINAL APPEAL CASE NO. 34 OF 2018.**

**WINROSE NASIMIYU.....APPELLANT/APPLICANT**

**VERSUS.**

**REPUBLIC.....RESPONDENT/RESPONDENT**

**RULING.**

This is an application dated 27.6.2017 by the applicant Winrose Nasimiyu seeking to be released on bond pending the hearing and determination of her appeal. The appellant was convicted and sentenced to Seven (7) months imprisonment on 18.6.2018 in Kimilili SRMCR 1112/2016 for the offence of assault causing actual bodily harm. She has filed an appeal as per the Petition of Appeal dated 27<sup>th</sup> June, 2018 challenging both the conviction and sentence, and seeking the same to be set aside.

The grounds for this application is that the applicant is of poor health and any continued incarceration may lead to further deterioration in her health and that the appeal has high chances of success and that finally if the order is not granted, the appeal will be rendered nugatory.

M/s Njeru for the Respondent filed grounds of opposition contending that bail pending appeal is at the discretion of the court and that the appeal has no chances of success and therefore this application does not meet the threshold for granting of the orders sought.

I have considered the application. I decline to grant the same but direct that the appeal be set down for hearing within the next 14 days.

**Dated at Bungoma this 11<sup>th</sup> day of September, 2018.**

**S.N. RIECHI**

**JUDGE.**