

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

H.C.CR. MISC. APPL. 78 OF 2016

PAUL THIGA NGAMENYAAPPELLANT

VERSUS

REPUBLICRESPONDENT

RULING OF THE COURT

1. The **Chamber Summons** application before the court is dated and filed herein on 10th August 2016 seeking for orders that the Applicant be granted bail pending appeal. The application is premised on the grounds that the offence for which the Appellant is convicted is bailable; that the Appellant is the sole bread winner for his young family; that there is an overwhelming probability of the appeal succeeding and that the Appellant will not abscond bond but will abide by the terms of bail if granted.

2. The application is supported by affidavit of the Appellant sworn on 10th August 2016.

3. The Appellant was charged and convicted with 2 counts of **Causing Death by Dangerous Driving** contrary to **Section 46 of the Traffic Act**. He was jailed for 2 years on 9th may 2016 and is currently serving the term.

4. The application is not opposed by the State. The Appellant has the right of appeal. However, at this stage he has no automatic right to bond pending appeal. But since the Application is not opposed by the State the same is allowed.

5. The Appellant shall be released on a personal bond of Kshs.100,000/= with a surety of a similar amount.

This is the judgment of the court.

Dated and delivered at Machakos this 4th day of October 2016.

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E. OGOLA

JUDGE

In the presence of;

M/S Gichuki holding brief for Otieno for applicant

Mr. Machogu for State

Court Assistant – Mr. Munyao