

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUSIA
CRIMINAL APPEAL NO. E070 OF 2025

JULIUS BWIRE SIOKA
APPELLANT

VERSUS

REPUBLIC.....**RESPONDENT**

RULING

1. The application, that I am called upon to determine, is the Motion, dated 13th November 2025. It seeks admission to bond/bail, pending appeal.
2. At this level, admission to bond/bail is not automatic. It is not a constitutional right. There is no presumption of innocence, for the appellant is, in fact, a convicted person.
3. According to *Arvind Patel vs. Uganda* [2003] UGS 25 (Oder, JSC) and *Samuel Macharia Njagi vs. Republic* [2013] eKLR (Abuodha, J), one of the factors, that would disentitle an appellant to bail/bond pending appeal, is where the offence, for which he was convicted, involved personal violence.
4. The appellant herein has been convicted on 3 counts: 2 of assault and 1 of malicious damage to property. He was convicted of assaulting 2 individuals, and causing them actual bodily harm, and he was sentenced to a fine, with imprisonment in default.
5. Assault, causing actual bodily harm, is an offence involving personal violence. In view of that, bail/bond pending appeal cannot possibly be available to the appellant.

6. There can be no merit in the Motion, dated 13th November 2025, in the circumstances, and I hereby dismiss the same.
7. The matter shall be mentioned on 18th February 2026, for directions on the disposal of the appeal. Orders accordingly.

**DELIVERED, DATED AND SIGNED IN OPEN COURT, AT
BUSIA, ON THIS 2ND DAY OF FEBRUARY 2026.**

**WM MUSYOKA
JUDGE**

Mr. Arthur Etyang, Court Assistant.

Advocates

**Ms. Lang'at, instructed by Ngeri Omuti & Bush Advocates LLP,
for the applicant.**

**Mr. Onanda, instructed by the Director of Public
Prosecutions, for the respondent.**