

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUSIA**  
**CRIMINAL APPEAL NO. E065 OF 2025**

**GODFREY WANYONYI.....APPELLANT**  
**VERSUS**  
**REPUBLIC.....RESPONDENT**

**RULING**

1. The application, that I am called upon to determine, is the Motion, dated 21<sup>st</sup> 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. I note, though, that the respondent has not filed a response. The application is, therefore, not opposed. I shall, accordingly, grant, as I see that the appellant was on bond pending trial, and appears to have had faithfully adhered to the bond terms.
4. Consequently, the appellant is hereby admitted to bond, pending appeal, of Kshs. 300,000.00, with 1 surety of like amount.
5. Let the Deputy Registrar call for the trial court records, and the appellant file his record of appeal in 30 days. The matter shall be mentioned, on 15<sup>th</sup> April 2026, for directions, on disposal of the appeal.

**DELIVERED, DATED AND SIGNED IN OPEN COURT, AT BUSIA, ON THIS 13<sup>TH</sup>  
DAY OF MARCH 2026.**

**WM MUSYOKA**  
**JUDGE**

**Mr. Arthur Etyang, Court Assistant.**

**Advocates**

**Mr. Ouma, instructed by BM Ouma & Company, Advocates for the appellant.**

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