



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU**

Misc Application 109 of 2005

ERICK ONGERE.....APPLICANT
VERSUS
REPUBLIC.....RESPONDENT

RULING

The application has been brought through Notice of Motion under Section 357 of the Criminal Procedure Cap. 75. The application seeks an order that the Applicant be granted bond pending appeal. The Applicant had been tried and convicted of assault causing actual bodily harm contrary to Section 251 of the Penal Code and sentenced to serve 6 months imprisonment from 25th November, 2005. According to Mrs. Ndeda, the Applicant is asthmatic and likely to loose his job with Timsales. Besides the above, she also submitted that the appeal lodged has high chances of success. On the other hand, Mr. Gumo, Assistant Deputy Public Prosecutor submitted that the Applicant had demonstrated that his intended appeal has overwhelming chances of success.

Since the State has **not** opposed the application, I hereby concede to the application. In view of the above, the Applicant is hereby released on his own bond of Kshs.20,000.However, he has to ensure that he attends Court whenever he is required to do so.

Those are the orders of the Court.

Ruling read, signed and delivered in the presence of Mr. Koech and Mrs. Ndeda.

**MUGA APONDI
JUDGE
20TH DECEMBER, 2005**



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