



**REPUBLIC OF KENYA**

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

**CRIMINAL APPEAL NO. 117 OF 2018**

**ELLY MARUMBU WAUYO.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

This is an application for bail pending appeal by the applicant on the grounds that Applicants appeal has high chances of success as the plea of guilty was not unequivocal. The applicant was sentenced to Twenty (20) years imprisonment and that he is ready to abide by any conditions that the court may set for his release on bond.

Mr. Oimbo for the state opposes the application on grounds that bond is a right for an accused person by the presumption or innocence in respect to the applicant has filed upon his conviction and he cannot be entitled to bail as a right. Counsel for state submits that the applicant having pleaded guilty, his chances of success in the appeal are not overwhelming as he claims.

I have considered the application and the Response. I decline to grant the prayer for bail pending appeal and direct the appellant to file appeal and same be heard expeditiously.

**Dated and Signed at Bungoma this 21<sup>st</sup> day of February 2019.**

**S.N. RIECHI**

**JUDGE**



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