



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAKURU**  
**MISC. CRIMINAL APPLICATION NO. 149 OF 2000**

VERONICA WAMBUI.....APPELLANT

V E R S U S

REPUBLIC.....RESPONDENT

**R U L I N G**

I think, it is now established in Kenya that bail pending appeal will only be granted if the applicant can show:

- (i) that there are exceptional or unusual circumstances.*
- (ii) That the appeal has overwhelming chances of success .*

Mr. Ngure who appeared for the applicant submitted that the applicant is sick in prison. That she is on medication. The document relied on shows that the applicant is allergic to dust but is under treatment. I would say that sickness per se does not constitute exceptional and unusual circumstances. It must be shown that proper treatment is not available under the circumstances or in the country.

The evidence on record shows that the applicant led to the recovery of the stolen goods. The trial court found that she fully knew of the theft and storage of the stolen goods. It is for the Judge who will hear the appeal to decide whether the finding can be allowed to stand. But as it is, it shows that the applicant has failed to show that the appeal has overwhelming chances of success.

The application for bail pending appeal fails. It is dismissed.

Dated and delivered at Nakuru this 8th day of December, 2000.

**D. M. RIMITA**

**JUDGE**

**8.12.2000**

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