



Case Number:	Miscellaneous Criminal Application 35 of 1984
Date Delivered:	07 Feb 1984
Case Class:	Criminal
Court:	Court of Appeal at Nairobi
Case Action:	Ruling
Judge:	Alfred Henry Simpson
Citation:	Amritlal Jivraj Shah v Republic [1984] eKLR
Advocates:	-
Case Summary:	<p>Shah v Republic</p> <p>Court of Appeal, at Nairobi February 7, 1984</p> <p>Simpson CJ</p> <p>Miscellaneous Criminal Application No 35 of 1984</p> <p><i>Bail – application for – bail pending appeal – granting of bail for medical reasons.</i></p> <p>The applicant, who was charged with the offence of theft, applied to be released on bail pending appeal arguing that he needed a diet suitable for his diabetic condition.</p> <p>Held:</p> <p>As it had been shown that the accused could only obtain a diet suitable for his condition at home, he would be granted bail.</p> <p><i>Bail granted on terms.</i></p> <p>Cases</p> <p>No cases referred to.</p>

	Statutes
	No statute referred.
Court Division:	Criminal
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	Bail granted on terms.
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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IN THE COURT OF APPEAL

AT NAIROBI

MISCELLANEOUS CRIMINAL APPLICATION NO. 35 OF 1984

BETWEEN

AMRITLAL JIVRAJ SHAH.....APPLICANT

AND

**REPUBLIC.....RESP
ONDENT**

RULING

The question on whether or not the applicant committed theft in this case is complicated by the acquittal of the applicant on the 1st count. In the absence of more detailed argument I am not prepared to say that there is an overwhelming probability of success in this appeal. Such a finding might embarrass the court hearing the appeal.

I am however concerned about the health of the applicant. He is a case of uncontrolled *diabetes mellitus* and it appears from the certificate of Dr Obel that neither the prison diet nor the hospital diet is suitable for his condition since he is a strict vegetarian. Only at home can he obtain a diet suitable for his condition.

In these circumstances bail is granted on the same terms as in the lower court, that is his own bond of Kshs 250,000 with the same two sureties as before in the sum of Kshs 200,000 each. In addition his passport will be deposited in court.

Dated and Delivered in Nairobi this 7th day of February 1984.

A.H.SIMPSON

.....

JUDGE OF APPEAL (CJ)

I certify that this is a true

copy of the original

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