



REPUBLIC OF KENYA



Dodhia v Inspector General of Police (Miscellaneous Criminal Application E232 of 2023) [2023] KEHC 18955 (KLR) (Crim) (26 June 2023) (Ruling)

Neutral citation: [2023] KEHC 18955 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CRIMINAL APPLICATION E232 OF 2023
DR KAVEDZA, J
JUNE 26, 2023**

BETWEEN

BHAVIK CHANDRAKANT DODHIA APPLICANT

AND

INSPECTOR GENERAL OF POLICE RESPONDENT

RULING

1. The applicant has filed a Notice of Motion Application dated June 23, 2023 under articles 19, 20, 21, 22, 23, 28 & 29 of the Constitution and section 123(1) of the Criminal Procedure Code, cap 75 Laws of Kenya. The application is filed under certificate of urgency supported by an affidavit of even date, sworn by the applicant. The applicant has sought a conservatory order restraining the respondents and officers under him from arresting, charging and or prosecuting him in respect of any matter relating to the purchase and supply of the rice transaction between Brandshut Kenya Limited and JPN Trading Limited or any other related matter. The applicant has further sought to be admitted to anticipatory bail pending investigations and/or charge by the respondent.
2. Although the applicant has listed various articles of the Constitution, none of them specifically refer to anticipatory orders.
3. I do note that anticipatory bail is not specifically provided for under the Constitution. However, the Constitution mandates the government to protect and respect the rights of all Kenyans, this includes the right to liberty.
4. Having gone through the affidavit of the applicant and the annexures, I am satisfied that the application is merited and issue the following orders:
 - a) That the application is certified as urgent.



- b) That the applicant is admitted to anticipatory bail of Kshs.500,000/=.
- c) That the respondents, either by themselves, their servants and or agents are prohibited from arresting or detaining the applicant pending hearing of this application.
- d) That the applicant's advocates are directed to escort the applicant to the offices of the respondent for questioning and or interview on June 28, 2023.
- e) That the applicant shall cooperate with the investigators during the period of investigations.
- f) That should a decision to charge the applicant be made, the applicant and his advocates shall be informed to report to the relevant police station for processing.
- g) That the applicant shall be informed in advance the court he is to appear for plea.
- h) That the orders of this court shall lapse if a decision to charge the applicant is made.
- i) That this order and the application to be served upon the respondents within 3 days.
- j) That upon service, the respondent shall have ten (10) days to file their response.
- k) That this matter shall be mentioned on 19/7/2023 for directions.

RULING DATED AND DELIVERED VIRTUALLY ON 26TH DAY OF JUNE, 2023

.....

D. KAVEDZA

JUDGE

