



Onyango v Director of Public Prosecutions & 2 others (Miscellaneous Criminal Application E290 of 2023) [2023] KEHC 20845 (KLR) (Crim) (28 July 2023) (Ruling)

Neutral citation: [2023] KEHC 20845 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CRIMINAL APPLICATION E290 OF 2023
DR KAVEDZA, J
JULY 28, 2023**

BETWEEN

EDWARD CROMWELL ONYANGO APPLICANT

AND

DIRECTOR OF PUBLIC PROSECUTIONS 1ST RESPONDENT

INSPECTOR GENERAL OF POLICE 2ND RESPONDENT

ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. I have considered the Notice of Motion application dated July 26, 2023 filed under certificate of urgency and the supporting affidavits of the applicant, Edward Cromwell Onyango, and James Dianga Ketta of even date in which the applicant seeks anticipatory bail, and order as follows:
 - a. That the application is certified urgent.
 - b. That the applicant is admitted to anticipatory bail in the sum of Kenya Shillings One Hundred Thousand (Kshs. 100,000) to be deposited in court.
 - c. That for the avoidance of doubt, the 1st and 2nd respondents are at liberty to investigate or charge the applicant for any Criminal Conduct. However, they shall not arrest him (unless the applicant fails to honour his summons) and they shall not detain him in view of order (b) above or until further orders of the court.
 - d. That for further avoidance of doubt, and upon such investigations, the DPP (1st respondent) is at liberty to present any charge against the applicant in any court; and such trial court will be at liberty to set any new terms of bail or determine whether or not to grant bail.



- e. That the application and the order of this court shall be served upon the respondents within 7 days from the date hereof and the respondents shall upon service, file their responses within 10 days.
- f. That this matter be mentioned on 26/9/2023 for directions.

RULING DATED AND DELIVERED IN ABSENCE OF PARTIES ON THIS 28TH DAY OF JULY 2023.

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D. KAVEDZA

JUDGE

