



**Gedi v Director of Criminal Investigations & 2 others (Miscellaneous Criminal Application E006 of 2023) [2023] KEHC 23988 (KLR) (24 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23988 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION E006 OF 2023**

**DR KAVEDZA, J  
OCTOBER 24, 2023**

**BETWEEN**

**AMIR IMAIN GEDI ..... APPLICANT**

**AND**

**DIRECTOR OF CRIMINAL INVESTIGATIONS ..... 1<sup>ST</sup> RESPONDENT**

**KILIMANI POLICE STATION ..... 2<sup>ND</sup> RESPONDENT**

**DIRECTOR OF PUBLIC PROSECUTION ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. The applicant, Amir Imain Gedi, has through a Notice of Motion application dated 24<sup>th</sup> October, 2023 filed under certificate of urgency sought to be admitted to anticipatory bail pending arrest or charge. The applicant further seeks orders restraining the respondents their servants, agents, or anyone else deriving authority from the respondents from arresting, detaining or howsoever depriving him his freedom.
2. The motion which is brought under Articles 22, 29, 47, 50 and 165 (3)(b) of the *Constitution* is supported by the affidavit of the applicant of even date. The applicant avers that he was engaged in business with other business partners, which business never materialized, and as a result, the said business partners want to unjustifiably frustrate him. He is also apprehensive that the respondents are being used to threaten his freedom of movement without any lawful cause.
3. Having considered the application, the supporting affidavit of the applicant and the annexure thereto, I hereby order as follows:
  - a. The application is certified urgent.
  - b. 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. For the avoidance of doubt, the respondents are at liberty to investigate or charge the applicant for any Criminal Conduct. However, they shall not arrest him and they shall not detain him in view of order (b) above or until further orders of the court.
- d. The applicant's advocates are further directed to escort the applicant to the DCI Kilimani Police Station for questioning and or interview on 30th October, 2023.
- e. Upon such investigations, the DPP (3<sup>rd</sup> respondent) is at liberty to present any charge against the applicant in any court in which case the orders of this court shall lapse; and such trial court will be at liberty to set any new terms of bail or determine whether or not to grant bail.
- f. The application and the order of this court shall be served upon the respondents within 3 days from the date hereof and the respondents shall upon service, file their responses within 7 days.
- g. This matter shall be mentioned on 27th November, 2023 for directions.

**RULING DATED AND DELIVERED IN ABSENCE OF PARTIES ON THIS 24TH DAY OF OCTOBER 2023.**

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**D. KAVEDZA**

**JUDGE**

