



**Mamo & another v Directorate of Criminal Investigations & 3 others (Miscellaneous Criminal Application E022 of 2023) [2023] KEHC 27033 (KLR) (19 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 27033 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION E022 OF 2023**

**DR KAVEDZA, J  
DECEMBER 19, 2023**

**BETWEEN**

**BASHIR HASSAN ABEY MAMO ..... 1<sup>ST</sup> APPLICANT**

**DRESCOLL LIMITED ..... 2<sup>ND</sup> APPLICANT**

**AND**

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

**INSPECTOR GENERAL OF POLICE ..... 2<sup>ND</sup> RESPONDENT**

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

**ETHICS AND ANTI-CORRUPTION COMMISSION ..... 4<sup>TH</sup> RESPONDENT**

**RULING**

1. The 1<sup>st</sup> applicant, Bashir Hassan Abey Mamo, has through an Originating Motion application dated 16<sup>th</sup> December, 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 from interfering with normal and daily operations of the 2<sup>nd</sup> applicant.
2. The motion which is brought under Articles 10, 22, 23, 25, 27, 29, 47, 48, 49, 50, 165 (6) and 259 of the Constitution and sections 123 of the Criminal Procedure Code is supported by the affidavit of the applicant of even date. The applicant avers that respondents intend to press trumped up charges of over alleged embezzlement of Kshs 62,000,000 which is a scheme to avoid the payment of the balance of the purchase price of a fire engine sold to the County Government of Marsabit.
3. Having considered the application, the supporting affidavit of the applicant and the annexure thereto, I hereby order as follows:
  - i. The application is certified urgent.



- ii. the 1<sup>st</sup> applicant is admitted to anticipatory bail in the sum of kenya shillings one hundred thousand (Kshs 100,000) to be deposited in court.
- iii. 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 (ii) above or until further orders of the court.
- iv. the 1<sup>st</sup> applicant's advocates are further directed to escort the 1<sup>st</sup> applicant to the offices of the respondents for questioning and or interview within 7 days from the date hereof.
- v. upon such investigations, the DPP (3<sup>rd</sup> respondent) is at liberty to present any charge against the 1<sup>st</sup> 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.

File closed.

**RULING DATED AND DELIVERED IN ABSENCE OF PARTIES ON THIS 19<sup>TH</sup> DAY OF DECEMBER 2023.**

**D. KAVEDZA**

**JUDGE**

