



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

MISCELLANEOUS CRIMINAL CASE NO. E039 OF 2021

JESCA MSAGHAAPPLICANT

VERSUS

OFFICER COMMANDING (CENTRAL POLICE STATION)

NAKURU1ST RESPONDENT

THE DIRECTOR OF PUBLIC PROSECUTIONS.....2ND RESPONDENT

THE INSPECTOR GENERAL OF POLICE.....3RD RESPONDENT

RULING

1. The applicant by an application dated 25th May 2021 came to court pursuant to Articles 22(1), 23(1), 25, 28, 29 & 165(3) of the constitution and Rules 3(1) & (2) and 19 of the High Court (practice and procedures) rules seeking to be admitted to reasonable bail terms pending her arrest and/or change by the Respondents over alleged offence of obtaining money by false pretense.
2. She sought that the court issues an order restraining the Respondents, their agents, officers and/or persons acting under their directions departments and/or offices from arresting, harassing torturing or otherwise from interfering with the applicants rights and freedoms pending the institution of criminal proceedings against her.
3. The applications was supported by the grounds on the face by the application and supporting affidavit shown by applicant on 21st May 2021.
4. The Respondents filed a replying affidavit through CPL Abraham Koech who stated he was investigated complaint by Abraham Wamala Khaemba & Godfrey Wanjala against the applicant and the brother to the applicant. He averred that he had summoned the 2 suspects and applicant's brother had presented himself and his statement taken but the applicant had declined and instead filed application for anticipatory bail.
5. I have considered the application and the response of Corporal Abraham Koech as well as the submissions and find that fear by applicants unfounded. Her brother presented himself for interrogation and he didn't complain that there was any breach of his fundamental freedoms as enshrined in the constitution.
6. The application has no merit and is dismissed.

DATED, SIGNED AND DELIVERED IN OPEN COURT /ONLINE THROUGH MS TEAMS, THIS 29TH DAY OF JULY, 2021

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel – Court assistant

Borona & Associates Advocate for Applicant – No appearance

Ms. Karanja for Respondent

Applicant – No appearance

Hon. Lady Justice A. Ong’ingo

Judge