

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

MISC. CR. APPLICATION NO. 207 OF 2017

JOSEPH THIGA WAWERU.....APPLICANT

VERSUS

INSPECTOR GENERAL OF POLICE.....1ST RESPONDENT

DPP.....2ND RESPONDENT

MAGNATE VENTURES LIMITED.....3RD RESPONDENT

RULING

1. Although the main Notice of Motion application comes with six prayers, the same can be collapsed into one, which is that the Applicant be admitted to anticipatory bail pending any arrest and/or charge and/or investigations by the Respondents. The Applicant cannot have his cake and eat it. He presented himself before Kabete Police Station on 25/5/2018 after the court declined to grant interim orders, favorably, on 22/5/2018. He was accordingly granted police bond pending his arrest, charge and investigations. In that case, court cannot issue a second bond/bail. He can only return to this court if the police bond/bail is withdrawn. Therefore, as rightly submitted by learned counsel, Mr. Mgisha the application is overtaken by events.

2. In the foregoing, I do not think it serves justice to address the issues raised by learned counsel Mr. Mugo on the late service of both the Grounds of Opposition by the 1st and 2nd Respondents and Replying Affidavit by the 3rd Respondent.

3. The total sum of my observation is that this application is hereby struck out with no orders as to costs.

DATED and DELIVERED this 29th day of **May, 2018**.

G.W. NGENYE-MACHARIA

JUDGE