

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT HOMA BAY

MISC. CR. APPL CASE NO. 18 OF 2014

ERICK OBONYO..... APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

The applicant, **ERICK OBONYO**, has moved this court under **Article 19, 22(1) and 29** of the Constitution for orders that, ***“the court be pleased to grant the applicant bail pending arrest.”*** According to the deposition sworn on 15th May, 2014 by the applicant, he apprehended that he would be arrested and his constitutional rights violated when he reported an incident involving him and one Bruce who is now deceased.

In my view, the facts outlined in the affidavit, are matters which would be the subject of police investigation. The applicant has not been arrested or charged since he filed the application on 15th May, 2014 and there is no evidence that he will be arrested.

In any event, if he is arrested, **Article 49** of the Constitution requires that he is brought to court within 24 hours of his arrest if charges are preferred against him. I do not find any merit in the application and it is consequently dismissed with no order as to costs.

DATED AND DELIVERED AT HOMABAY THIS 18TH DAY OF JUNE 2014

D.S. MAJANJA

JUDGE

COURT: Ruling read and delivered in open court

D.S. MAJANJA

JUDGE

18.6.2014