

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT HOMA BAY

MISC. CRIMINAL APP. NO. 25 OF 2014

WASHINGTON ALOICE OTHO.....APPLICANT

VERSUS

STATE.....RESPONDENT

RULING

1. The applicant, WASHINGTON ALOICE OTHO, has filed the notice of motion seeking the following orders:
 1. *The Honourable Court be pleased to allow the applicant to be admitted to bail pending arrest.*
 2. *The OCS, Rangwe Police Station or such other police officers be restrained from arresting, detaining for interrogation or in any other way interfering with the applicant's freedom till further orders of the court.*
2. According to his deposition, the applicant is apprehensive that he will be arrested on account of fabricated and malicious allegations made against him by an unnamed person.
3. I have considered the matter and I decline to grant the orders sought for two reasons. First, where a complaint has been lodged with the police, malicious fabricated or otherwise the police have a duty to investigate it, make a finding and deal with it in accordance with the law. The court should be slow to interfere with police duties. Secondly, where an offence is established, the police cannot detain a person for more than 24 hours. Under Article 49 the person must be brought before the court immediately or at any rate within the 24 hours.
4. The deposition by the applicant is threadbare, does not disclose a violation of rights or fundamental freedoms. It is accordingly dismissed.

D. S. MAJANJA

JUDGE

31.7.2014

COURT: Ruling read and delivered in open court.

D. S. MAJANJA

JUDGE

31.7.2014