

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

MISC. CRIMINAL APPLICATION NO. 66 OF 2013

ALFARAJ MUSA MASAAI APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

The applicant has come to court through an application dated 14th November, 2013 under certificate of urgency. The prayers for my decision are as follows –

- That the applicant be admitted to anticipatory bail pending his arrest by police officers from Kakamega and arraignment in court.
- That this Honourable court do issue an order that the applicant herein be allowed to record the statement at Kakamega Police Station in relation of the pending charges against him.
- That this Honourable court do issue an order that the Kakamega Police do inform the applicant on the date on which he is required to attend court for the purposes of taking plea if charges are preferred against him.

The application is supported by an affidavit sworn by the applicant on 14th November, 2013.

Both the applicant and Mr. Oroni for the State made submissions before me. Mr. Oroni opposed the application.

This application was brought under Section 123 of the Criminal Procedure Code (Cap. 75) and Article 22, 29 and 39 of the Constitution of Kenya 2010.

Indeed, under our present Constitution an accused or suspect for any offence is entitled to bail. The applicant herein has not given any details on the type of charges or complaints that have been levelled against him. He has not stated that the alleged threats to him came from Kakamega Police Station. He has not been charged in this court, nor is he a suspect herein. No complaint has been brought to this court against him. He has not stated where his home is, where he resides and what he does for a living or whether or not he is a Kenyan citizen.

In my view, this application has been brought due to misplaced fear or apprehension. No basis has been laid by the applicant for the grant of the orders sought. It is not merited. It is for dismissal.

For the above reasons, the application of the applicant herein is hereby dismissed.

Dated and delivered at Kakamega this 21st day of November, 2013

George Dulu

JUDGE