



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. 33 OF 2012

BETWEEN

HON. MOHAMUD MOHAMED ALIAPPLICANT

AND

THE ATTORNEY GENERAL.....1ST RESPONDENT

THE COMMISSIONER OF POLICE2ND RESPONDENT

JUDGMENT

1. This petition dated 3rd February 2012 before this Court is filed by the Member of Parliament for Moyale Constituency Mohamud Mohamed Ali. He seeks the following main orders:
- (2) THAT your humble petitioner HON. MOHAMUD MOHAMED ALI be admitted to bail upon such terms as this Honourable Court may deem just pending filing of charges in any court of competent jurisdiction anywhere in Kenya by the Police as provided for under Article 22(1) of the Constitution.
2. In his affidavit sworn on 3rd February 2012, the petitioner is apprehensive that he will be arrested on suspicion of being involved in certain deadly and violent clashes that have taken place in his Constituency.
3. Counsel for the 2nd respondent Mr. Okello does not oppose the petition save that he is concerned that the investigation process must proceed and should there be reasonable evidence to charge the petitioner then he should face the law. He has also confirmed that there is no warrant of arrest in force.
4. I have considered the matter and in view of the position taken by the State, I shall allow the petition on the following terms;
 - (1) The petitioner is admitted to bail pending arrest.
 - (2) The petitioner shall deposit cash bail of Kshs.150,000/= on terms that he shall avail himself to the Kenya Police for any investigation as and when required.

(3) For the avoidance of doubt, this order does not restrain the Kenya Police from charging the petitioner should there be such evidence to commence criminal proceedings against him.

(4) There shall be no order as to costs.

D.S. MAJANJA
JUDGE
8.2.2012

ORDER: Judgement read in open court.

D.S. MAJANJA
JUDGE
8.2.2012