



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Petition 557 of 2012**

**DAVID GICHUHI GITAU ..... 1<sup>ST</sup> PETITIONER**

**TIMOTHY MUCHIRI KANGARA ..... 2<sup>ND</sup> PETITIONER**

**AND**

**THE DIRECTOR OF PUBLIC PROSECUTIONS .....1<sup>ST</sup> RESPONDENT**

**OFFICER COMMANDING STATION MAVOKO POLICE STATION ....2<sup>ND</sup> RESPONDENT**

**THE PRINCIPAL MAGISTRATE MAVOKO LAW COURT ..... 3<sup>RD</sup> RESPONDENT**

**ATTORNEY GENERAL ..... 4<sup>TH</sup> RESPONDENT**

**AND**

**FORM MATTRESS LIMITED ..... THIRD PARTY**

**RULING**

I have considered the matter and in the particular the skeleton proceedings in *Nairobi Chief Magistrates Criminal Case No. 1783 of 2012*. The accused took the plea on 23<sup>rd</sup> November 2012 and there is no indication that an application for bail was made or an opportunity given to them to make the application. The matter was then transferred to Mavoko Law Courts. According to counsel, the accused are still in custody from 23<sup>rd</sup> November 2012 without the benefit of bail. In view thereof, I direct as follows;

(1) That the accused Timothy Muchiri Kagara, David Gichuhi Gitau, Paul Njoroge Mwangi and David Kinyua Wamai be taken before the Magistrate at Mavoko Law Courts on 5<sup>th</sup> December 2012 or at the earliest opportunity.

(2) The Honourable magistrate is directed to hear and determine their application for bail.

**DATED and DELIVERED at NAIROBI this 4<sup>th</sup> day of December 2012**

**D.S. MAJANJA  
JUDGE**

**FURTHER ORDER**:- The petition shall be served upon the respondents forthwith and the matter is fixed for directions on 19<sup>th</sup> December 2012.

**DATED** and **DELIVERED** at **NAIROBI** this 4<sup>th</sup> day of December 2012

**D.S. MAJANJA**  
**JUDGE**