



**Kimutai v Inspector General of Police & 2 others (Miscellaneous Criminal Application 35 of 2024) [2024] KEHC 4726 (KLR) (8 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4726 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION 35 OF 2024**

**DR KAVEDZA, J**

**MAY 8, 2024**

**BETWEEN**

**COSMAS KIMUTAI ..... APPLICANT**

**AND**

**INSPECTOR GENERAL OF POLICE ..... 1<sup>ST</sup> RESPONDENT**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... 2<sup>ND</sup> RESPONDENT**

**DIRECTORATE OF CRIMINAL INVESTIGATIONS ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. I have considered the Originating Notice of Motion dated 2<sup>nd</sup> May 2024 filed under certificate of urgency and the supporting affidavit of the applicant of similar date, and annexures in which the applicant seeks anticipatory bail, and order as follows:
  - i. The application is certified urgent.
  - ii. The applicant is admitted to anticipatory bail in the sum of Kenya Shillings One Hundred Thousand (Kshs 100,000) to be deposited in court.
  - iii. For the avoidance of doubt, the respondents are at liberty to investigate or charge the applicant for any Criminal Conduct. However, they shall not arrest or detain her in view of orders (ii) above or until further orders of the court.
  - iv. The applicant’s advocates are further directed to escort the applicant to the offices of the 1<sup>st</sup> and 3<sup>rd</sup> respondent for questioning and or interview within seven (7) days from the date hereof not later than 17<sup>th</sup> May 2024.



- v. Upon such investigations, the DPP (2<sup>nd</sup> Respondent) is at liberty to present any charge against the applicant in any court, in which case the orders of this court shall lapse; and such trial court will be at liberty to set any new terms of bail or determine whether or not to grant bail.

2 File closed

**RULING DATED AND DELIVERED IN THE ABSENCE OF THE PARTIES THIS 8<sup>TH</sup> MAY 2024**

.....

**D. KAVEDZA**

**JUDGE**

