



**Kamura v Director of Public Prosecution (Miscellaneous Application
E219 of 2024) [2024] KEHC 8051 (KLR) (3 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8051 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
MISCELLANEOUS APPLICATION E219 OF 2024**

AM MUTETI, J

JULY 3, 2024

BETWEEN

LUCY MWIHAKI KAMURA APPELLANT

AND

DIRECTOR OF PUBLIC PROSECUTION RESPONDENT

RULING

1. The applicant has moved this court for Anticipatory bail for she fears that the police are likely to arrest her and detain her over a weekend over a complaint she alleges to have been lodged by the by her divorced husband the Interested Party.
2. The application is premised on the provisions of Articles of 23 and 165 (3) of the Constitution.
3. The applicant has explained to this court that the matter relates to a dispute over company registration documents.
4. The matter is bailable just like any other offence in Kenya today by dint of the provisions of Article 49 of the Constitution of Kenya.
5. It is important to state here that I have perused the affidavit of service filed in court yesterday and I am satisfied that the Respondents and the Interested Party were duly served by email and Whatsapp which are recognized modes of service.
None of the Respondents has appeared as well as the interested party.
6. The position of this court is that a party who expresses genuine fear of breach of fundamental rights should be given protection by this court. The court is the guardian of the public interest and has a duty to ensure that the objects and purposes of the Constitution are upheld at all times.



7. To deny one liberty is akin to crucifying their soul. Liberty is precious and must be protected and only limited in accordance with the law. Any threats of violation of the right to liberty should be curtailed whenever it rears its ugly head.
8. It is thus my considered view that this applicant has placed before me material enough to enable me exercise my discretion in her favour.
9. In the end I grant her anticipatory bail of Ksh. 50,000/= and order that she is to report to the police if so required for any interrogated but should not be held in custody.
10. The police remain at liberty to continue with their investigations and once done, submit the same to the office of the Director of Public Prosecutions for appropriate directions.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 3RD DAY OF JULY 2024.

HON. A.M MUTETI

JUDGE

