



**Kanyi v Inspector General of Police & 3 others; Wairegi & another (Interested Parties)  
(Miscellaneous Case E168 of 2023) [2023] KEHC 17728 (KLR) (Crim) (19 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17728 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
MISCELLANEOUS CASE E168 OF 2023  
DR KAVEDZA, J  
MAY 19, 2023**

**BETWEEN**

**JAMES MWANGI KANYI ..... APPLICANT**

**AND**

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

**DIRECTOR OF CRIMINAL INVESTIGATIONS ..... 2<sup>ND</sup> RESPONDENT**

**DIRECTOR OF PUBLIC PROSECUTION ..... 3<sup>RD</sup> RESPONDENT**

**EMBAKASI POLICE STATION ..... 4<sup>TH</sup> RESPONDENT**

**AND**

**DANIEL WAGURA WAIREGI ..... INTERESTED PARTY**

**JOSPHAT KINYUA NYAGA ..... INTERESTED PARTY**

**RULING**

1. The applicant James Mwangi Kanyi has filed a notice of Motion dated May 17, 2023 under Certificate of Urgency. The application is supported by the affidavit of the applicant sworn on the same date.
2. The applicant has sought an anticipatory order to restrain the respondents, specifically the 4<sup>th</sup> Respondent and or the junior officers from detaining, harassing, or howsoever interfering with the applicant's liberty pending hearing of the application interparties.
3. I have gone through the *ex parte* application and the supporting documents and issue the following orders:
  - a. This matter is certified as urgent.



- b. The applicant is admitted to anticipatory bail of Ksh 500,000/= (Personal Bond).
- c. The respondent in particular the 4<sup>th</sup> respondent is prohibited from arresting and detaining the applicant pending the hearing of the application inter-parties.
- d. The applicant is directed to appear before the 4<sup>th</sup> respondent in the company of his advocate on May 22, 2023, for questioning and or interview.
- e. Should the respondents make a decision to charge the applicant, they shall inform the applicant to appear before the investigating officer for processing.
- f. The investigating officer shall direct the applicant to appear before the relevant court for plea.
- g. Should the applicant be charged, the order of this court shall automatically lapse.
- h. The application and order of this court be served upon the respondents within 3 days.
- i. Upon service, the respondents shall file their responses within 7 days.
- j. This matter be mentioned on June 21, 2023 for direction.

**Orders accordingly.**

Ruling, read and delivered on **19<sup>th</sup>** day of **MAY**, 2023

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**D. KAVEDZA**

**JUDGE**

