



Kamunya v Director of Public Prosecution & 2 others (Miscellaneous Case E219 of 2023) [2023] KEHC 18766 (KLR) (Crim) (14 June 2023) (Ruling)

Neutral citation: [2023] KEHC 18766 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CASE E219 OF 2023
DR KAVEDZA, J
JUNE 14, 2023**

BETWEEN

GEORGE KAMUNYA APPLICANT

AND

DIRECTOR OF PUBLIC PROSECUTION 1ST RESPONDENT

**OFFICER COMMANDING POLICE STATION MAKADARA 2ND
RESPONDENT**

**DIRECTOR OF CRIMINAL INVESTIGATIONS (DCI) NAIROBI
AREA 3RD RESPONDENT**

RULING

1. The applicant George Kamunya has filed a Chamber Summons Application Under Articles 19, 20, 23, 29, 49 and 50 of the *Constitution*. The application is filed under certificate of urgency supported by an affidavit dated June 12, 2023, sworn by the applicant. The applicant has sought an order of anticipatory bail restraining the respondents and/or their servants from arresting him or locking him up at the police station.
2. Although the applicant has listed various articles of the *Constitution*, none of them specifically refer to anticipatory orders.
3. I do note that anticipatory bail is not specifically provided for under the *Constitution*. However, the *Constitution* mandates the government to protect and respect the rights of all Kenyans, this includes the right to liberty.
4. Having gone through the affidavit of the applicant and the annexures, I issue the following orders:



- a. That the application is not certified as urgent.
- b. That the applicant is admitted to anticipatory bail of Kshs 100,000/=.
- c. That the respondents, either by themselves, their servants and or agents are prohibited from arresting or detaining the applicant pending hearing of this application.
- d. That the applicant's advocates are directed to escort the applicant to the offices of the 2nd and 3rd Respondents for questioning and or interview on June 16, 2023.
- e. That the applicant shall cooperate with the investigators during the period of investigations.
- f. That should a decision to charge the applicant be made, the applicant and his advocates shall be informed to report to the relevant police station for processing.
- g. That the applicant shall be informed in advance the court he is to appear for plea.
- h. That the orders of this court shall lapse if a decision to charge the applicant is made.
- i. That this order and the application to be served upon the respondents within 3 days.
- j. That upon service, the respondents shall have ten (10) days to file their responses.
- k. That this matter shall be mentioned on July 5, 2023, for directions.

RULING, READ AND DELIVERED ON 14TH DAY OF JUNE, 2023

D. KAVEDZA

JUDGE

