



**Oigara v Director of Public Prosecution & 2 others (Miscellaneous Case E211 of 2023) [2023] KEHC 18376 (KLR) (Crim) (13 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 18376 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
MISCELLANEOUS CASE E211 OF 2023  
DR KAVEDZA, J  
JUNE 13, 2023**

**BETWEEN**

**CREDIUS NYAMWANGE N OIGARA ..... APPLICANT**

**AND**

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

**INSPECTOR GENERAL OF POLICE ..... 2<sup>ND</sup> RESPONDENT**

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

**RULING**

1. The applicant Credius Nyamwange N Oigara has filed a notice of motion application under articles 10, 19, 20, 23, 27, 28, 29, 31, 40, 47, 48, 49, 50, 60(1), 84, 157, 159, 165, 258 and 259 of the [Constitution](#). The application is filed under certificate of urgency supported by an affidavit dated June 7, 2023, sworn by the applicant. The applicant has sought a conservatory order restraining the respondents, their servants, agents, officers or employees from arresting the applicant herein.
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 am satisfied that the application is merited and issue the following orders:
  - a. That the application is 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 3<sup>rd</sup> Respondent 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 4, 2023, for directions.

**RULING DELIVERED VIRTUALLY ON 13TH DAY OF JUNE, 2023.**

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**D. KAVEDZA**

**JUDGE**

