



**Imwatok & another v Director of Public Prosecutions & 2 others (Miscellaneous Case E272 of 2023) [2023] KEHC 20361 (KLR) (Crim) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20361 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
MISCELLANEOUS CASE E272 OF 2023  
DR KAVEDZA, J  
JULY 21, 2023**

**BETWEEN**

**PETER IMWATOK ..... 1<sup>ST</sup> APPLICANT  
MOSES OGETO ..... 2<sup>ND</sup> APPLICANT**

**AND**

**THE DIRECTOR OF PUBLIC PROSECUTIONS ..... 1<sup>ST</sup> RESPONDENT  
THE DIRECTOR OF CRIMINAL INVESTIGATIONS ..... 2<sup>ND</sup> RESPONDENT  
THE INSPECTOR GENERAL OF POLICE ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. I have considered the originating notice of motion dated July 20, 2023 filed under certificate of urgency and the supporting affidavit Ashioya Biko in which the applicants are seeking anticipatory bail. In the interest of justice, I order as follows:
  - a. That the application is certified urgent.
  - b. That the applicants are admitted to anticipatory bail in the sum of Kenya shillings one hundred thousand (Kshs 100,000) to be deposited in court.
  - c. That for the avoidance of doubt, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents are at liberty to investigate or charge the applicants for any criminal conduct. However, they shall not arrest them (unless the applicants fail to honour their summons) and they shall not detain them in view of order (b) above or until further orders of the court.



- d. That for further avoidance of doubt, and upon such investigations the DPP (1<sup>st</sup> respondent) will be at liberty to present any charge against the applicants in any court; and such trial court will be at liberty to set any new terms of bail or determine whether or not to grant bail.
- e. That the application and the order of this court shall be served upon the respondents within 3 days from the date hereof and the respondents shall upon service file their responses within 10 days.
- f. That this matter be mentioned on September 26, 2023 for directions.

**RULING DATED AND DELIVERED IN ABSENCE OF PARTIES ON THIS 21<sup>ST</sup> DAY OF JULY 2023.**

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**D. KAVEDZA**

**JUDGE**

