



**Kamunya & 2 others v Attorney General & 4 others (Miscellaneous Case E270 of 2023) [2023] KEHC 20362 (KLR) (Crim) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20362 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
MISCELLANEOUS CASE E270 OF 2023  
DR KAVEDZA, J  
JULY 21, 2023**

**BETWEEN**

**HON. MAINA NJENGA KAMUNYA ..... 1<sup>ST</sup> APPLICANT  
FELIX LEKISHE ..... 2<sup>ND</sup> APPLICANT  
PETER NJOROGE KAMUNYA ..... 3<sup>RD</sup> APPLICANT**

**AND**

**ATTORNEY GENERAL ..... 1<sup>ST</sup> RESPONDENT  
INSPECTOR GENERAL OF POLICE ..... 2<sup>ND</sup> RESPONDENT  
DIRECTORATE OF CRIMINAL INVESTIGATIONS ..... 3<sup>RD</sup> RESPONDENT  
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS .. 4<sup>TH</sup> RESPONDENT  
NATIONAL POLICE SERVICE ..... 5<sup>TH</sup> RESPONDENT**

**RULING**

1. I have considered the Notice of Motion application dated July 19, 2023 filed under certificate of urgency and the supporting affidavit of Isaiah Munje, advocate for the applicants sworn on the same date in which the applicants have sought orders that the respondents, their servants, agents to immediately and unconditionally present them before this court or in the alternative this court to order the respondents to immediately and unconditionally to release and set the applicants at liberty.

In the interest of justice, I order as follows:

- a. That the application is certified urgent.



- b. That the applicants are admitted to a cash bail of Kshs.100,000 (Kenya Shillings One Hundred Thousand) each.
- c. That the respondents, their agents, servants or any person having custody of the applicants are directed to release the applicants upon payment of the cash bail.
- d. That the applicants shall report back to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents' offices on 24<sup>th</sup> July, 2023 at 8:00am, upon which, the 2<sup>nd</sup> and 3<sup>rd</sup> respondents shall produce the applicants in open court.
- e. That for avoidance of doubt, the DPP (4<sup>th</sup> respondent) is at liberty to present any charge against the applicants in any court; and as such the trial court will be at liberty to set any new terms of bail or determine whether or not to grant bail.
- f. That the respondents shall not arrest the applicants (unless the applicants fail to present themselves on 24/7/2023) and they shall not be detained in view of order (b) and (c) above, or, until further orders of the court.
- g. 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.
- h. That this matter be mentioned on 26/9/2023 for directions

Ruling dated and delivered in absence of parties on this 21<sup>st</sup> day of JULY 2023.

**D. KAVEDZA**

**JUDGE**

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