



**Mwenje v Inspector General of Police & 2 others (Criminal Miscellaneous Application E271 of 2021) [2023] KEHC 20592 (KLR) (Crim) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20592 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL MISCELLANEOUS APPLICATION E271 OF 2021  
DR KAVEDZA, J  
JULY 21, 2023**

**BETWEEN**

**HON MARK MURIITHI MWENJE ..... 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**

**RULING**

1. I have considered the notice of motion dated July 20, 2023 filed under certificate of urgency and the supporting affidavit of the applicant, Hon. Mark Muriithi Mwenje in which the applicant is seeking anticipatory bail. In the interest of justice, I order as follows:
  - a. That the application is certified urgent.
  - b. That the applicant is 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 applicant for any Criminal Conduct. However, they shall not arrest him (unless the applicant fails to honour his summons) and he shall not be detained 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 applicant 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.



- 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 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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