



Oluoch & 2 others v Director of Public Prosecutions & 2 others (Miscellaneous Criminal Application E279 of 2023) [2023] KEHC 20790 (KLR) (25 July 2023) (Ruling)

Neutral citation: [2023] KEHC 20790 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
MISCELLANEOUS CRIMINAL APPLICATION E279 OF 2023**

DR KAVEDZA, J

JULY 25, 2023

BETWEEN

HON ANTHONY OLUOCH 1ST APPLICANT

HON. PETER IMWATOK 2ND APPLICANT

HON PETER OWERA OLUOCH 3RD APPLICANT

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS 1ST RESPONDENT

THE INSPECTOR GENERAL OF POLICE 2ND RESPONDENT

THE ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. I have considered the Notice of Motion application dated July 21, 2023 filed under certificate of urgency and the supporting affidavits of the applicants; Anthony Oluoch, Peter Imwatok and Peter Oluoch, dated July 19, 2023 in which they seek orders of habeas corpus and anticipatory bail, and 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 1st and 2nd 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 (1st respondent) is 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 7 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 25TH DAY OF JULY 2023.

D. KAVEDZA

JUDGE

