



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

MISC.CRIMINAL APPLICATION NO. E068 OF 2021

PRISCILLA NYAKAIRU.....APPLICANT

VERSES

DIRECTOR OF PUBLIC PROSECUTIONS.....1ST RESPONDENT

THE INSPECTOR GENERAL OF POLICE.....2ND RESPONDENT

RULING.

1. **Priscilla Nyakairu**, the Applicant, approached this court by way of Notice of Motion seeking anticipatory bail by executing a personal bond to secure her liberty from imminent arrest by the regular police and the officers from the Directorate of Criminal Investigations emanating from several complainants.

2. The Application is premised on grounds that the Applicant is a CEO of Luveron Agency that deals with Work Permit Application, Visa Application, and has connections with various overseas companies that aid in the process of coordinating job openings for their clients. That she received from Lydia Adhiambo of Passport AK0xxxxxx, Ksh 100,000/-,

Nancy Gatheri, Passport No. AK0xxxxxx, Ksh. 250,000/-, Godfrey Waweru. Passport No. AK0xxxxxx, Ksh350,000/-, Phyllis Nyokabi, Passport No. AK0xxxxxx, Ksh.450,000/-, and Babghee Muhandia, Ksh.450,000/- being sums for Visa Applications and securing employment outside the court's jurisdiction.

3. That the Application took longer than the expected, some three (3) months, because of the apprehension of the infectious rate of Corona virus; and the Applicants who were impatient reported the matter to the police who have been visiting the Applicant's registered Business Offices and her home threatening to arrest her.

4. That the Applicant's concern of arrest is her difficult pregnancy and as she is likely to give birth at any time from now. Further, she argues that the claim is a civil one and the DCI's threats to arrest her is in contravention of her civil rights.

5. The application is unopposed.

6. It was submitted by Mr. Swaka, learned counsel for the Applicant that what transpired was an issue of the pandemic but the process was ongoing, a process that the Applicant was seeking to have completed.

7. Ms Chege, learned counsel for the State/Respondent, stated that her colleague was in contact with the DCI, Central, who were aware of the ongoing investigations and as a result the State was amenable to conditions sought being granted, but prayed for the Applicant to be directed to avail herself to the DCI as required.

8. An anticipatory bail is granted when an applicant demonstrates that his/her right to liberty is likely to be breached unlawfully. Counsel for the State in conceding the fact of the fear of the Applicant's intended arrest did not disclose what offence she is likely to be charged with, therefore, this court cannot form the opinion whether or not, it will be a bailable one.

9. In the circumstances, I grant the Applicant a personal Anticipatory Bond, in the sum of Ksh 500,000/- that will be valid for two (2) weeks and direct her to present herself to the DCI, Central for purposes of being investigated, on the 15.3.2021.

10. Mention on the 24.13.2021.

11. It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 10TH DAY OF MARCH, 2021.

L. N. MUTENDE

JUDGE