

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

MISC APPLICATION NO. 67 OF 2015

KELVIN KIPCHUMBA CHESIRE APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

The applicant **KELVIN KIPCHUMBA CHESIRE** has filed this Notice of Motion dated 15/10/2015 seeking to be granted anticipatory bail. The Applicant claims that police in Nakuru are searching for him, his arrest is imminent and that there has been interference in his normal activities. The application is opposed by the State. The police in Nakuru aver that they have no interest in arresting applicant. I have considered the oral submissions made by both parties in this matter. The applicant has not shown how or in what manner the Respondent have breached or have threatened to breach any of his fundamental rights. There has been no instance given of any violation by the police of the applicants rights to liberty. With respect to the applicant these fears appear to be confined only to his imaginations. There exists no specific provisions in law or in the Constitution on the grant of bail to a person fearing arrest. Article 49(1) (h) of the Constitution provides for a right to bail to a ‘**suspect**’ ie one who has already been investigated, arrested and/or arraigned in court. I find no evidence of a breach of any of the applicant’s rights by a State organ. The Respondents state that they have no reason or interest in arresting the applicant. I find that this present application has no basis. The same is hereby dismissed with no orders on costs.

Dated in Nakuru this 2nd day of September, 2016.

Mr Chigiti for DPP

No appearance by Mr. Ngamate

Maureen Odera

Judge

2/9/2016