



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
CRIMINAL MISC APPL. NO. E016 OF 2026

DAVID MWANGI NYAMU1ST APPLICANT

PATRICK KIMANI MWIKOKI2ND APPLICANT

VERSUS

THE INSPECTOR GENERAL OF POLICE1ST RESPONDENT

**THE DIRECTOR OF CRIMINAL
INVESTIGATIONS2ND RESPONDENT**

RULING

1. Before me is the Notice of Motion dated 4th March 2026 by which the Applicants seek to be admitted to bail pending arrest and that the bail be granted unconditionally or upon such conditions as this court may deem just. The Applicants also seek an order to compel the 1st and 2nd Respondents to abide by the orders as may be granted by this court.
2. The gist of the application is that the Applicants are apprehensive that they may be arrested by the police in violation of their fundamental rights to liberty and fair trial. They aver that on 24th February 2025 they were arrested, after their vehicle got stuck in the mud, ostensibly in relation to a robbery which had allegedly occurred in the vicinity and that their properties to wit phones, power banks, solar

light panels and motor vehicle registration No. KCP 854 U belonging to the Applicant's mother one Francisca Wangui Nyamu, was confiscated. They are therefore apprehensive that should anticipatory bail not be granted their right to liberty shall be violated. They therefore crave for the protection of this court.

3. The application, though duly served is not opposed.
4. The application being one for anticipatory bail is entirely within the discretion of this court to grant. Anticipatory bail/bond is granted where there is a real or imminent risk or threat of violation of one's fundamental rights. In this case the application was filed on 4th March 2026 yet no arrest has taken place meaning there was and is no imminent or real violation of the Applicants arrest or even violation of their rights. Moreover, even were the arrest to take place, the Applicants are assured of the rights of an arrested person and should their rights during arrest be violated, they shall have recourse under the Constitution and the law.
5. In the premises there is no merit in the application and it is dismissed.

It is so ordered.

Ruling signed, dated and delivered virtually on this 16th day of April 2026.

E. N. MAINA

JUDGE

In the presence of:

Mr. Nzaku for Muriithi for the Applicants

Mary – Court Assistant/Interpreter

ORIGINAL