



**Ndungu v Republic (Criminal Miscellaneous Application E327 of 2021)  
[2022] KEHC 11121 (KLR) (Crim) (31 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 11121 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL MISCELLANEOUS APPLICATION E327 OF 2021**

**DO OGEMBO, J**

**MAY 31, 2022**

**BETWEEN**

**JOHN WAMBUGU NDUNGU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant, John Wambugu Ndungu filed the present application herein on 19.7.2021. The said application seeks revision of the terms of bond in Makadara criminal 1901/2019 and Criminal 256/2021. He has submitted that he had been placed on a bond of Kshs.300,000/= in Criminal 1901/2019, in which he deposited a security of a motor vehicle log book. That in Criminal 256/2021, he was placed on a bond of Kshs.500,000/= with 1 surety, a term he has been unable to meet. He now prays that the terms of bond in the 2 matters be revised to the extent that the same security deposited in the first case be ordered to apply to the second case.
2. The prosecution has opposed this application on grounds that the 2 cases are not related and are in different courts. That the case shall run independently.
3. I have considered the above submissions of both sides. It is clear that the applicant was placed on bond in each of the 2 cases he is facing at the Makadara Law Courts. Article 49(1)(h) of *the constitution*, on the rights of an arrested person, guarantees the right to bail thus;

An arrested person has the right;

..... to be released on bond or bail on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released.”

4. *The constitution* therefore guarantees an arrested/accused person the right to bail on reasonable terms.



5. The applicant herein has not in this application challenged the reasonableness or otherwise of the terms of bail in either of the cases.
6. It is also clear from the submissions of the parties that the 2 cases were instituted at different times. They obviously would run independently of the other and be concluded probably at different times. The 2 cases are in no way related and are heard before different magistrates.
7. In the circumstances, I am not convinced that it was be just and proper to revise the terms of bond as set by the trial courts. Granting the orders sought by the applicant would also lead to administrative and supervisory challenges to both court. Finding no sufficient or good reasons to grant the said orders, I arrive at the conclusion that this application lacks any merit. The application of the applicant filed herein on 19.7.2021 is dismissed wholly. Orders accordingly.

**HON. D. O. OGEMBO**

**JUDGE**

**31.05.2022.**

Court:

Read out in presence of the applicant (Nairobi Remand) and Ms. Akunja for the state.

**HON. D. O. OGEMBO**

**JUDGE**

**31.05.2022.**

Applicant:

I ask for ruling. Also the file.

Court:

Certified ruling to be prepared and supplied as urged.

**HON. D. O. OGEMBO**

**JUDGE**

**31. 05.2022.**

Court:

The trial file to be taken back to the trial court.

**HON. D. O. OGEMBO**

**JUDGE**

**31.05.2022.**

