



REPUBLIC OF KENYA



**KENYA LAW**  
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**Ngeruro v Republic (Criminal Revision E084 of 2024)  
[2025] KEHC 379 (KLR) (27 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 379 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION E084 OF 2024  
DR KAVEDZA, J  
JANUARY 27, 2025**

**BETWEEN**

**RUFFTONE KINUTHIA NGERURO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Before the trial court, the applicant is facing a charge of trafficking in narcotic drugs contrary to section 4(a) (ii) of the *Narcotic Drugs and Psychotropic Substances (Control) Act*, No. 4 of 1994. He pleaded not guilty and was admitted to a bond of Kshs. 20,000 in the alternative a cash bail of Kshs. 10,000.
2. On 5<sup>th</sup> September 2024, the applicant failed to attend court and a warrant of arrest was issued against him. He was later arrested and brought to court on 18<sup>th</sup> September 2024 in execution of the warrant. The prosecution applied to have his bond cancelled. The applicant stated that he was relying on his uncle who was the contact person and worked with the area chief to follow up on the case.
3. In a ruling delivered on 25<sup>th</sup> September 2024, the court denied the applicant's prayer to reinstate the bail terms set. He filed a subsequent application dated 11<sup>th</sup> October 2024 seeking reinstatement of bail/bond terms. In a ruling delivered on 31<sup>st</sup> October 2024, the court declined to issue the orders sought.
4. Dissatisfied, the applicant has filed the application dated 11<sup>th</sup> November 2024, seeking the revision of the impugned decision. The grounds raised are that the court failed to give him a hearing before his bail/bond was cancelled. He is not a flight risk as alleged by the trial court. There are no compelling reasons for his denial of bail/bond. He has a home in Muranga where he was arrested and stays with his parents.
5. The application was not opposed.



6. I have considered the application, the arguments made in support of the application, the rival arguments by the respondent and the applicable law. For consideration is whether the orders sought should be reviewed.
7. I have examined the record of the trial court. I note that the prosecution made an application for the cancellation of bond on the ground that the Applicant herein was arrested after absconding court. In the ruling delivered the trial court, the learned magistrate, did not give the applicant a hearing before the said bail/bond terms were cancelled and its forfeiture to the state.
8. In considering whether to cancel the bond, the trial Court must not only give a hearing to the prosecution but it must also give the accused adequate opportunity not only to defend himself but also to challenge the allegations laid by the Prosecution. To my mind, since the accused already has vested rights to the bond. The accused was on the verge of losing his liberty which he was enjoying as a result of the right to bond which he had secured. That right cannot be taken away from him without ensuring that the principles of fair hearing set out in Article 50 of the Constitution of Kenya are adhered to.
9. From the record, when the applicant failed to appear in court on 5th September 2024 the prosecution applied for warrants of arrest to issue and have his bond cancelled. There is no reason why the court was in a hurry to grant the orders sought without ascertaining his whereabouts. Further, he had a right to respond before and show cause why the bond should not be cancelled. His right to natural justice was therefore violated.
10. Accordingly, the application for revision of the orders of the trial court is allowed in the following terms:
  - I. The bail/bond terms imposed against the applicant Rufftone Kinuthia Ngeruro are hereby reinstated.
  - II. In addition, the applicant shall report to the Investigating Officer ever month on a date to be agreed with the investigating officer until the matter is heard and determined.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 27TH JANUARY 2025**

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**D. KAVEDZA**  
**JUDGE**

