



REPUBLIC OF KENYA



KENYA LAW
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**Ngauru v Republic (Criminal Case E014 of 2025)
[2025] KEHC 11572 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11572 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE E014 OF 2025**

TW OUYA, J

JULY 31, 2025

BETWEEN

WAWERU NGAURU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Before this court is an application for bail by the applicant through his counsel supported by grounds on the face of the application and affidavit sworn by the applicant. Counsel prays for favorable bond terms due to their meagre financial capability.
2. Counsel Mwangi for the stated that the state did not have any compelling reasons to oppose the application for bail/ bond by the accused/Applicant. In any case he stated that the investigating officer had written a letter to the effect that there was no opposition to the accused being admitted to bond save that the accused person should keep peace .
3. It is noteworthy that the accused took plea before his court on 24th July 2025 upon which Counsel for the applicant moved the court with a notice of motion application dated 23rd July 2025 for the accused to be admitted to bond. The application is supported by an affidavit sworn by the investigating officer averring among others that the applicant herein is advanced in age and is deteriorating in health. That the court should consider granting him bail on reasonable terms. A medical report from Kenol Hospital is attached which depicts the accused aged 81 years and suffering from enlarged prostate and urine incontinence among others.
4. Counsel for the respondent informed the court that the state was not opposed to the application and did not therefore file an affidavit. He also indicated that the investigating officer had a letter to the effect that there was no opposition to the bond application save that the applicant should keep peace.



5. I have duly considered the application before this court together with the affidavit and submissions by counsel from both sides. This court underscores that bail pending trial may be granted upon request at reasonable terms at the discretion of the court.
6. This court notes that under ordinary circumstances a pre-bail Assessment Report would have been the ideal parameter for assisting the court in assessing the accused's suitability bail. However, in the prevailing circumstances, the court has opted not to direct for any at this point notwithstanding that such a report would have provided crucial information that would guide the court as to the accused and victim's family circumstances to aid in determining bond terms for the accused.
7. Taking into consideration the accused's advanced age, deteriorating health and the prosecution's position, this court will proceed to grant bond to the applicant on the following terms:

Bond is hereby granted to the applicant for KShs. 500,000 together with one surety of similar amount.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 31ST DAY OF JULY, 2025.

HON. T. W. Ouya

JUDGE

For Accused.....Mbuthia HB Ndonga

Prosecution.....P. Mwangi

Court Assistant.....brian

