

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT JINJA  
MISC. APPLICATION NO. 17/95  
(MJ. 1015/95)

MUSIRAMU BALIKOWA:..... APPLICANT VERSUS

UGANDA:..... RESPONDENT

BEFORE: THE HONOURABLE C.M. KATO

RULING

This ruling is in respect of an application by the applicant Musiramumu Balikowa for bail. The application is dated 2-10-95 and it is by notice of motion supported by an affidavit sworn by the applicant himself dated 27-9-95. Although the applicant did not state the law under which his application was being brought it is reasonable to assume that it was based on the provisions of section 14A of TID as amended by statutes 5 and 6 of 1990.

The applicant and two other people are being charged with aggravated robbery in two counts. It is the law that any person who is charged with aggravated robbery can only be released on bail if he proves to the satisfaction of the court that he is Suffering from grave Sickness, that he is an infant or a person of advanced age, that he has been on remand for 12 months (as per Article 23(6)( c) of the Constitution) or that he has obtained consent from the DPP to be released on bail.

In the present case the applicant is relying on sickness as the only ground for his release on bail. Although he did not mention it in his argument, there is a medical chit indicating that this man had an accident sometime in 1993; he himself told the court that in that year (1993) he had an accident as a result of which he had injuries on the ribs, head and chest. The learned counsel for the respondent opposed the application on the ground that no special circumstances had been proved by the applicant to warrant his release on bail pending his trial.

With due respect to the learned counsel I do agree with him. The reason advanced by the applicant that he is sick cannot be sustained because according to the medical chit on record he was last before the doctor on 4-11-93 which means from that time he must have recovered

as he did not get any further treatment after that date (4-11-93). I therefore find that his allegation that he has been suffering since he got that accident to be unacceptable since there is no my other ground to support his application. I do dismiss it (application). The application is accordingly dismissed.

C.M. KATO

JUDGE

15-11-1995