

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT JINJA
MISC. APPLICATION NO. 22/95

OKUKU WALTERAPPLICANT

VERSUS

UGANDA RESPONDENT

BEFORE: THE HONOURABLE JUSTICE C.M. KATO

RULING

This ruling refers to an application for bail. The applicant Okuku Walter is charged with the offence of Defilement c/s 123(1) of PCA. He is seeking for a release on bail pending his trial. The application is by notice of motion dated 23-11-95 and it is supported by on affidavit sworn by the applicant's mother Anjilina Awori dated 23-11-95.

By provisions of section 14A of TID as amended by statutes 5 cud 6 of, 19990 a person charged with defilement can only be released on bail if he proves to the satisfaction of court that special circumstances do exist to warrant his being released on bail. the circumstances which are regarded as special include grave sickness, infancy or old age, the fact that the applicant has been on remand for over 12 mouths as per article 23(6)(c) of the new Constitution and that the state does not oppose the applicant being released on bail.

In the present case the applicant who appeared in person has stated that he is a young boy of 17 years and that he also suffers from Hernia and his hand was sick (the hand in fact was in bandage). The learned counsel for the respondent has not objected the accused being released on hail provided that stringent conditions are imposed to compel the applicant to attend court. The mere fact that the applicant is having hernia is not a good ground to have him released on bail in the absence of any medical report, but in view of the fact the applicant's hand looks seriously swollen and this is a boy aged 17 years and in view of the fact that the state does not oppose his being released on bail I will grant this application for being released on bail. He is accordingly released on 'bail on the following conditions:

1. He is to produce 100,000/= cash as deposit.

2. He is to produce 2 sureties in the names of Sunday Vicent and Barnaba Ojambo each of them will sign a bond of 200,000/= not cash.
3. The applicant will appear in the Chief Magistrate's court Jinja once in a month for extension of his bail starting from 28-12-95 until another lawful order to the contrary has been given.
4. The above conditions will have to be complied with and failure to do so without any reasonable Ground will automatically result in the bail being cancelled.

C.M. KATO

JUDGE

28-11-1995