

This court has recently held in High Court at Gulu Miscellaneous Application No. 37 of 2008
Bongomin Richard Akal vs Uganda that:-

“The burden is upon the applicant to satisfy court by putting forth before court a set of facts, beyond the ordinary considerations, upon which the court can act, in the exercise of its discretion, to admit the applicant to bail”

The applicant, in the considered view of this court, has not put forward such a set of facts for this court to exercise its discretion and grant him bail. All the facts he has put forward are the ordinary considerations for bail, not envisaged under section 15(1) of the Trial On Indictment Act.

Court also notes that the alleged victim, is a minor below the age of 14 years, and her mother, Akullu Christine, has filed an affidavit in opposition to granting the applicant bail, asserting that an attempt was made to take the alleged victim to the applicant’s father’s home with a view to having the victim exonerate the applicant of the alleged offence. A letter dated May 27th, 2008, signed by applicant’s father produced to court by counsel for the applicant, seems to support the assertion of Ms. Akullu Christine, mother of the victim.

Court is therefore not satisfied that that this is a proper case where it should exercise its discretion to grant bail to the applicant.

The application for bail fails. The same stands dismissed.

Remmy K. Kasule
Judge
14th July 2008