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THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT GULU
CRIMINAL MISC. APPLICATION NO. 088 OF 2023

(Arising from Criminal Session Case No. 254 of 2014)

10 **APIRE MICHEAL ::: APPLICANT**

VERSUS

UGANDA ::: RESPONDENT

15 **BEFORE: HON. MR. JUSTICE GEORGE OKELLO**

RULING

20 This is an application for Mandatory bail. The Applicant
through his advocate, Mr. Doii Patrick prays to be released on
bail. He swore affidavit in support. He contends that he has
been on remand since 2015, a period of now 09 years, without
committal to the High Court. The Applicant has presented two
sureties who are substantial, namely Okumu David, a Nephew,
25 and Richard Apire, a son. The Applicant deposes that he is aged
75 years. This was on 15th February 2023. He says he is now
77 years old; of course in error. I take it that the Applicant,
going by his deposition of 2023 February, should now be 76
years old, since he deposed he was 75 years in 2023 February.

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5 I find that the applicant has proved his grounds for release on
Mandatory bail; given that the deposition that he has never been
committed to the High Court has not been rebutted by the State.
He has also shown that he is of advanced age, which the Bail
Guidelines set at 60. In this case, 76 years is way above the
10 minimum threshold under the law. I also find the sureties
substantial.

Accordingly, I would be inclined to release the Applicant on
Mandatory Bail, as per the requirement of the Constitution of
15 Uganda, 1995.

However, I have further considered the fact that the Applicant
has been on remand since 2015. The case against the Applicant
springs from the year 2014, vide AA 26/2014. The Prison
20 officials informed this court that according to their records, the
Applicant has been transferred from Amuru, and the case is a
2014 case; they have no information as to when the Applicant
was first remanded to Prison. The CRB NO 623/2014, and the
case No. 254/2014, in my view, confirms his long stay in Prison.
25 In any case, this has not been rebutted by the State.

I find the conduct of the State in regards to the Applicant very
egregious and a gross abuse of the Prosecution powers, in that
a person can be charged and remains not committed for trial for
30 09 years.

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In the circumstances, other than release the Applicant on bail, I have invoked court powers under Section 17(2)(a) of the Judicature Act, to dismiss the Criminal Case No 254/2014, vide CRB No. 623/2014 against the Applicant/accused, Apire
10 Michael, being a case of Aggravated Robbery. He shall be released forthwith from Prison unless held on other lawful charge. It is so ordered.

Delivered, dated and signed in court this 21st day of February,
15 2024.

George Okello 21/2/2024
George Okello
Judge

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