

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(CRIMINAL DIVISION)

HCT-00-CR-CM-0069-2020

(ARISING FROM, MISC. CASE NO. 068/2020)

(Arising from Court Case No. 009/2020)

KIKABI FRED ACCUSED/APPLICANT

VERSUS

UGANDA PROSECUTOR/RESPONDENT

BEFORE: HON. JUSTICE J. W. KWESIGA

RULING:

Kikabi Fred, a Teacher at Rays of Hope Christian School in Mutundwe, Rubaga Division and a resident of Kabaawo Zone LC.1 Mutundwe, Rubaga Division was in January 2020 charged Under Section 129(3) and (4)(a) of Penal Code for alleged Aggravated Defilement. He is on remand pending trial.

Pursuant to Article 23(b)(a) of the Constitution of the Republic of Uganda and Sections 14(1) and 15 of Trial on Indictments. He has applied for Bail pending trial. The Applicant has provide evidence in support of his Application;-

- (a) That he has a permanent fixed place of abode at Kabawo Zone LC.1 Mutundwe Parish (See LC.1 letter attached to his application).
- (b) That he has substantial sureties who have fixed places of abode.
- (c) That he has no previous record of breach of Law or terms of bail.

I have examined this application as a whole including documents attached and I am satisfied that the Applicant if released on bail he will be traceable both through his local authorities of the village he lives in and the school in which he teaches whose Head teacher is one of the sureties.

I have also examined the provided letter of Aisha Nakiyiki, the Victim's mother to DPP that there was mistaken identity of the culprit and absolving the Accused.

In my view at any stage of criminal proceedings, the Accused is entitled to benefit of doubt. Notwithstanding the fact that the DPP has received this apparent withdrawal of complaint, in this application, the Respondent has not rebutted it. It therefore, constitutes part of circumstances that point to assurance that the Accused/Applicant will have no compelling fears to run away from his trial.

Considering all the above, I have granted the Applicant bail pending trial on the following terms and conditions:-

1. The Applicant shall execute a bail bond of Ug. Shs. 10,000,000/= (Ten Million Shillings Only) Not Cash.
2. Each of the sureties approved below shall execute a bail bond of Ug. Shs. 10,000,000/= (Ten Million Shillings Only), Not Cash.
3. The Applicant shall report for Bail extension before the Deputy Registrar, Criminal Division once a month on the first working day of each month starting with November 2020 until his criminal trial is concluded.
4. Approved sureties are;-
 - (a) Mr. Muganzi Jim
 - (b) Mr. Mulyanti Samuel
 - (c) Mr. Kabale Timothy

Their particulars for part of record of proceedings.

Dated this 1st October 2020.

J. W. Kwesiga

Judge

1st /10/2020.

To be served on:-

1. The Applicant

C/o. Kongai & Co. Advocates,

Kampala.

2. The Director of Public Prosecutions

Kampala.

3. O/c. Uganda Prisons Services

Upper Prison,

Luzira.