

He continued that the applicant who is ready committed for trial should be more interested in prosecuting his appeal and there is a possibility that it might come up in the next session. He did not object to the sureties.

My decision

It has been set out in many cases that, the right to apply for bail is a constitutional right and is open to all categories accused person irrespective of the nature of the offence for which they are charged. Consider for example the case of **His Majesty Omusinga Mumbere Wesley Vrs. Uganda [Crim. Misc Application No. 75/2016]** and **Okello Augustine Vrs. Uganda [Cr. Misc. Application No. 06/2012]**.

Thus, this applicant would be entitled to apply for bail. However, as state pointed out, for a serious offence like murder, the Court should not shut her eyes to the fact that on conviction, the sentence could be death. Indeed, I am alive to that fact. The fear of conviction of such a serious offence would make it attractive for one who is released on bail to consider absconding. Therefore, as requested by the State, the conditions should be stringent.

That said, the constitutional principle of presumption of innocence and the right to apply for bail should be of paramount interest to this Court. This applicant has been on remand for nearly 5 years. Under such circumstances, the State cannot promise him an expeditious trial when he has had to wait for that long and there are no guarantees of a quick disposal of his appeal.

What is important that is this applicant has in his affidavit shown that he has a fixed place of abode. He has also presented substantial sureties, one of whom is his

wife with whom he shares a home and the other sureties are within his locality. Their relationship to him would convince court that they would be in a position to compel him to attend the trial.

Therefore, I am allowing this application. I am granting bail to the applicant on the following terms;

1. He will pay Shs. 3,000,000/= in cash to the Court.
2. The sureties shall execute a non cash bail of Shs. 5,000,000/- each.
3. The applicant is to report to the Registrar of this Court at least once every month for the entire duration of his trial with effect from 15/5/2019.

Should the applicant abuse any of the terms above, his bail shall be liable to be cancelled.

I so order

Signed

EVA K. LUSWATA
JUDGE
13/5/2019