

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT JINJA
MISC. APPLICATION NO. 13/95

SIRAJI MULABANAKU:.....APPLICANT

VERSUS

UGANDA:.....RESPONDENT

BEFORE: THE HONOURABLE JUSTICE C.M. KATO

RULING

This is on application for bail brought under section 14A of TID so amended by statutes 5 and 6 of 1990. The application is by Notice of Motion dated 1-7-95 and it is supported by the applicant's own affidavit sworn on 20-7-95. The applicant Siraji Mulabanaku is charged with the offence of Rape c/s 117 of the Penal Code Act.

In his application and affidavit the applicant gave 2 reasons in support of his application. The first one is that he is a juvenile aged about 17 years old and the second is that he suffers from Bronchial asthma as indicated in the medical form tendered in court.

Before this court can release an accused/applicant on bail pending trial on a charge of rape special circumstances must be proved to the satisfaction of the court. In the instant case I have seen the applicant in court his condition is appallingly bad and he supported his application with a medical report indicating how bad his condition is.

Considering the fact that the applicant is having a terrible disease which may not be easily treated in prison and in view of the fact that the state does not oppose the applicant being released on bail, this application is granted on the following conditions:

1. The applicant is to deposit with court 150,000/= cash.
2. Each of the sureties: Hamuza Wambuzi and Saidi Waimbuzi are to sign a bond for 300,000/ each not cash.
3. The applicant is to report to the Chief Magistrate's court at Jinja, once in every month for extension of his bail starting from 6-11-95 until another lawful order has been given by the competent court.

4. Failure to observe any of these conditions will automatically result in the bail being cancelled.

C.M. KATO

JUDGE

5-10-1995