

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT JINJA  
MISC. APPLICATION NO. 19 OF 1995  
FROM JV. 46 OF 1995

KAARA KASIM:..... APPLICANT

VERSUS

UGANDA:.....RESPONDENT

BEFORE: THE HONOURABLE JUSTICE C.M. KATO

RULING

This is an application for bail. It is by Notice of Motion supported by affidavit sworn by one Babu Hussein the applicants brother dated 26-10-95 and it is apparently brought under the provisions of section 14A of TID as amended by statutes 5 and & 6 of 1990 although the application itself does not say so.

The applicant Kaara Kasim is charged with the offence of defilement c/s 123(1) of the Penal Code Act. A person charged with defilement can only be released on bail upon proving to the satisfaction of the court that special circumstances do exist to warrant him to be released on bail. Special circumstances include such things as grave sickness, the accused being an infant or of an advanced age or the state does not object to his being released on bail.

In the present case the applicant has advanced two grounds in support of his application and those are that he is a young boy of 16 years old and that he is a student who would like to sit for his examinations and that he suffers from epilepsy. The state has not objected to his being released on bail.

Considering the fact that the accused is actually a young boy still at school that he has a problem with epilepsy and that the state concedes to his being released on bail, I will proceed to grant this application on those grounds. The application is accordingly granted on the following conditions:-

1. The applicant is to deposit with court cash of 200,000/=.
2. His two sureties Babu Hussein and Matovu will sign a bond of 500,000/= each not each.

3. The applicant is to report to the Chief Magistrates court at Jinja once in a month for extension of his bail starting from 8-12-95 until another lawful order to the contrary has been made.
4. This bail will automatically be terminated if the applicant fails to comply with any of the above conditions without any reasonable explanation.

C .M. KATO

JUDGE

8-11-1995