

HON' JUSTICE TSEIKO KO

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT JINJA

MISC. APPLICATION NO.4/94

ORIGINAL CRIMINAL CASE NO MJ.179/94

MUWANGA SALLEH :::::::::::::::::::::::::::::::::::::::ACCUSED/APPLICANT

V E R S U S

UGANDA ::::::::::::::::::::::::::::::::::::::: RESPONDENT

BEFORE: THE HON. MR. JUSTICE C.M. KATO

R U L I N G

This is an application for bail. It has been lodged under the provisions of section 14A of T.I.D. as amended by Statute 5 of 1990. The application is by notice of motion dated 7/3/94 and it is supported by the affidavit of applicant's cousin called Juko Ismail dated 7/3/94. The applicant is charged with the offence of issuing a false cheque contrary to section 364(1)(b) of the Penal Code Act.

The applicant has given one reason for his application and that is grave sickness which is one of the special circumstances stipulated in section 14A of T.I.D. He says he is suffering from "aids" he tendered a medical chit indicating that he had been tested and found to be "HIV" positive. The learned state counsel Mr. Wamasebu who appeared for the state did not appear to oppose the application he just left the matter to the court.

The court would be blind to the realities of life if it did not take judicial notice of the fact that "AIDS" is a grave sickness. The applicant is certainly suffering from grave sickness envisaged in section 14A of T.I.D, in court he appeared to be in a terrible condition he could not even stand as he looked too weak to do so. I hold that the applicant's condition cannot be properly attended to while he is in prison; his application for bail is granted. He is to be released on bail on the following conditions:-

- (a) He is to deposit with court cash bail bond of 50,000/= (shs fifty thousand only).
- (b) He is to produce two sureties to be approved by the District Registrar and each is to sign a bond of 100,000/=(not cash).
- (c) He is to report to the chief magistrate's court at Jinja once in a month for extension of his bail starting from 15/4/94 at 9.00 A.M. until the disposal of the case which is the subject of this application or until another order by the court of competent jurisdiction to the contrary.

*Kato*  
C.M. KATO  
J U D G E  
16/3/94

16/3/94: Applicant present.

Wamasebu for state.

Baligeya court clerk.

Court: (c)(1) Ruling is read, signed and dated.

C.M. KATO  
J U D G E

16/3/94