

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**CRIMINAL MISCELLANEOUS APPLICATION NO. 640 OF 2025**

1. **BUKENYA NICHOLAS**  
2. **KASOLO HERBERT** -----**APPLICANTS**

**VERSUS**

**UGANDA** .....**RESPONDENT**

**RULING**

**BEFORE HON: JUSTICE ISAAC MUWATA**

This Application seeks an order for the Applicants, Bukenya Nicholas and Kasolo Herbert, to be released on mandatory bail pending their trial. The undisputed facts presented before this Court are as follows:

1. The Applicants were charged with a capital offense (likely Aggravated Robbery), which is triable by the High Court.
2. The Applicants first appeared in the lower court and were subsequently remanded on 20 December 2024.
3. The case was formally committed to the High Court for trial on 12 September 2025.

The sole issue before this Court is whether in the circumstances the applicants qualify for release on mandatory bail.

Article 23(6) (c) of the Constitution is to the effect that where an offence is triable only by the High Court, if that person has been remanded in custody for one hundred and eighty days before the case is committed to the High Court, that person shall be released on bail on such conditions as the court considers reasonable.”



This constitutional provision establishes right to bail once the accused has been on remand for 180 days without the committal to the High Court having taken place. The discretion is in setting the terms for the bail

The Applicants were remanded on 20 December 2024 and committed to the High Court on 12 September 2025.

The continuous period of remand custody between the date of first appearance and the date of committal is 276 days. The period of 276 days during which the Applicants were remanded before their case was committed to the High Court is clearly in excess of the 180 day constitutional limit set by Article 23(6) (c).

The right to mandatory bail upon the lapse of this prescribed period must be weighed in favor of the applicant. The delay in the committal process, resulting in prolonged pre-committal remand, entitles the Applicants to their release.

In light of the foregoing, this Court finds merit in the Application and hereby orders as follows:

- 1. Each Applicants shall execute a cash bond of UGX 1,000,000/- (Uganda Shillings One Million only).**
- 2. Each of the sureties presented by each applicant shall execute a non-cash bond of UGX 10,000,000/- (Uganda Shillings Ten Million only) to ensure the Applicants' attendance in Court.**
- 3. Each of the applicants shall report to the Deputy Registrar of the Criminal Division every first Monday of the month beginning 3<sup>rd</sup> November 2025.**

I so order

Judge

23/10/2025

