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**THE REPUBLIC OF UGANDA**

**IN THE HIGH COURT OF UGANDA AT KAMPALA**

**(CRIMINAL DIVISION)**

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**MISCELLANEOUS APPLICATION NO. 074 OF 2026**

(ARISING FROM HIGH COURT CRIMINAL SESSION CASE NO. 0367 OF 2025  
AND CITY HALL CRIMINAL CASE NO. A-53 OF 2024)

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**WABWIRE PATRICK ALIAS SALONGO::::::::::::::::::::::::::::::::: APPLICANT**

**VERSUS**

**UGANDA::::::::::::::::::::::::::::::::: RESPONDENT**

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**RULING**

**BEFORE: HON. JUSTICE GADENYA PAUL WOLIMBWA**

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**Representation**

For the Applicant: In person (unrepresented)

For the Respondent: Ms Happiness Ainebyona, Chief State Attorney

**Registrar:**

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Mr. Samuel Twakyire

**Court Clerk:**

Mr. Najjibu Kagwa

**1. Introduction**

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This application for bail pending trial is brought under Article 23(6)(a) of the Constitution of the Republic of Uganda, 1995; sections 14(1)(a) and 15(1)(a) of the Trial on Indictments Act, Cap. 25; and Guideline 10(1) of the Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022 ("the Bail Guidelines").

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The applicant, Wabwire Patrick, alias Salongo, was arrested on 6th December, 2024 and charged at the Chief Magistrate's Court, City Hall, with Aggravated Robbery under sections 285 and 286(2) of the Penal Code Act, and with Rape under sections 110 and

111 of the same Act. He was committed to this Court on 12th June, 2025 and has remained in custody since his arrest.

45 He seeks release on bail on the strength of having a fixed place of abode in Bugweri District and three sureties, to wit, his father, Mr. Katema David, and his uncles, Mr. Tusubira Moses and Mr. Katema Sharif.

The Respondent, by affidavit of the Chief State Attorney, opposes the application. The grounds of opposition are that;

- (a) The charges carry the maximum penalty of death.
- 50 (b) That the proposed sureties are inadequate and reside outside the Court's jurisdiction.
- (c) That the applicant has not demonstrated a fixed place of abode within the jurisdiction.
- (d) That the interests of justice favour proceeding to trial.

## 55 **2. Factual Background**

The prosecution's case is that on 1<sup>st</sup> December 2024, at Kulambiro-Kigowa Zone, Kampala, the applicant, armed with a panga and an iron bar, robbed the complainant, Ms Kobusingye Sylvia, of a mobile telephone and cash, and thereafter raped her. The prosecution alleges that the applicant was not a stranger to the complainant, he was her  
60 regular boda-boda rider, and the two knew each other.

## **3. Issue for Determination**

The sole issue is whether the applicant has made out sufficient cause for this Court to exercise its discretion in favour of bail pending trial.

## **4. Consideration**

### 65 **4.1 The Legal Framework**

The primary purpose of bail under article 23(6)(a) of the Constitution is to secure the accused's attendance at trial; it is not punitive. The right to apply for bail is constitutionally guaranteed, but neither the right nor its exercise is absolute. As the Supreme Court affirmed in *Foundation for Human Rights Initiative v Attorney General* (Constitutional Appeal No. 3 of 2009), the constitutional guarantee of personal liberty  
70 must be balanced against the State's legitimate interest in the administration of criminal justice. The burden rests on the applicant to show that he is a suitable candidate for release and to satisfy the Court that he meets the criteria prescribed by law.

75 **4.2 Fixed place of abode**

*Section 16(4)(a) of the Trial on Indictments Act* places a legal burden on the applicant to establish a fixed place of abode within the jurisdiction of the court. A fixed place of abode serves several purposes. It enables the Court to verify that the applicant has a genuine and verifiable place of residence, rather than a transient or fictitious address. It ensures that the Court has practical means to locate and apprehend the applicant should he breach his bail conditions. It demonstrates the applicant's ties to the jurisdiction and his rootedness in the community, factors which bear on the likelihood of his absconding. The applicant claims to reside in Bugweri District. However, he works as a boda-boda operator in Kampala. He has provided no objective evidence such as a lease, land agreement, utility bill, or tenancy agreement to confirm residence in Bugweri. More critically, he has not presented a National Identity Card, as required by Guideline 12 of the Bail Guidelines. A bare assertion of residence, unaccompanied by documentation or independent verification, is insufficient to establish a fixed place of abode. The applicant has not discharged this requirement.

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**4.3 Substantiality of sureties**

*Guideline 15 of the Bail Guidelines* requires that a surety be a person of substance, one who can demonstrate both the financial capacity to honour a bail bond and a realistic ability to supervise the accused's attendance. All three proposed sureties are based in Bugweri District. The applicant operates in Kampala and, presumably, resides there for work purposes. On any reasonable assessment, the practical capacity of sureties domiciled in Bugweri to monitor and produce an accused whose daily movements are in Kampala is limited. Beyond proximity, none of the three produced evidence of financial means, and the identification document tendered by the third surety is expired, rendering it ineffective under the Bail Guidelines. Accordingly, the sureties do not meet the required standard.

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**4.4 Flight risk**

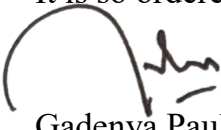
Both offences before this Court carry the death penalty as the maximum penalty. A sentence of that severity creates a significant incentive for an accused person to place himself beyond the Court's reach. That consideration is reinforced by the applicant's occupation. A boda-boda rider is by definition mobile, accustomed to travelling long distances and operating without fixed accountability to any employer or workplace. The combination of a capital charge, a mobile livelihood, the absence of a verified local address and sureties who are themselves geographically distant from Kampala creates a flight risk which the Court regards as material and on the present application, unacceptable.

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## 5. Decision

115 The applicant has not satisfied this Court that any of the criteria prescribed by law are  
met. He has failed to produce a national identity card as required by Guideline 12 of the  
Bail Guidelines; he has not established a fixed place of abode within this Court's  
jurisdiction, as required by section 16(4)(a) of the Trial on Indictments Act. The  
proposed sureties lack both the financial substance and the proximity necessary to  
ensure attendance. The applicant's risk profile is too high to warrant bail. Accordingly,  
120 the bail application is dismissed.

It is so ordered.



Gadenya Paul Wolimbwa

**JUDGE**

125 **18<sup>th</sup> June, 2026.**

Ruling read in the absence of the parties. None appeared even when they were  
summoned.



130 Gadenya Paul Wolimbwa

**JUDGE**

**18<sup>th</sup> June, 2026.**