

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP : HON. JUSTICE Y. HALILU
COURT CLERKS : JANET O. ODAH & ORS
COURT NUMBER : HIGH COURT NO. 24
CASE NUMBER : CHARGE NO: CR/168/2020
DATE: : THURSDAY 27TH FEBRUARY, 2020

BETWEEN:

COMMISSIONER OF POLICE..... COMPLAINANT

AND

1. KENNETH NWANKWO DEFENDANTS
2. PEAK ALUMINIUM PRODUCTS LTD

RULING

Bail is constitutional right of an accused person standing trial in view of the fact that such an accused person under the law is presumed innocent until his/her guilt is established.

Attendance of such an accused to stand his trial is usually uppermost in the mind of court when application of this nature is being considered in view of the fact that courts would usually not refuse Bail except on very rare circumstance. ***ABACHA VS STATE, ABIOLA VS FRN, FRN VS DOKUBO.***

Antecedents of such an accused person, likelihood of tempering with witnesses, providing reasonable surety, committing yet another offence, etcetera etcetera are some of the condition courts would take

into account in admitting or refusing to admit an accused person to Bail.

I have considered the charge in question. I have equally listened to the argument of Lemu of counsel for the accused person and the reaction of Uket for the Prosecution who is not opposed to the application for Bail.

Regardless of the position of the prosecution, Bail is always at the discretion of the court, a discretion of the court shall exercise judicially and judiciously. In view of what the accused's counsel has placed before the court i.e documents and averment contained in the affidavit in support of the application which was not challenged, I am inclined to admitting the accused to bail.

Bail is hereby granted to the accused person on the following terms and conditions:-

1. Accused shall provide two sureties who must be either Director in the Federal Civil Service or responsible Nigerian who are residents of FCT Abuja.
2. The Directors shall furnish the court with evidence of First and Last Promotion and in the case of two responsible Nigerians, they shall provide this court with their means of identification and also evidence of their ownership of their respective houses which must have a Certificate of Occupancy (C of O), and shall have a market value of N500 Million.
3. The sureties shall give a written undertaking to provide the accused in court always to face trial

and also post a bond of N500 Million as it relates to the director.

I hereby remand the accused person in Suleja Correctional Service.

Justice Y. Halilu
Hon. Judge
27th February, 2020

APPEARANCES

O.I. Uket – for the Complainant.

A.I. Lemu with O.S. Enejulu, A.S. Aliyu and L.A.

Yusuf - for the Defendant.