

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. 23
CASE NUMBER : CHARGE NO: CR/807/2020
DATE: : THURSDAY 18TH JUNE, 2020

BETWEEN

INSPECTOR GENERAL OF POLICE ... COMPLAINANT

AND

1. MUHAMMAD GARBA 35 YEARS
2. NAZIFI IDRIS IBRAHIM 29 YEARS
3. MGB GLOBAL MARKET LTD } **DEFENDANTS**

RULING

This is a consolidated ruling at the instance of 1st and 2nd Accused persons who vide **Motions Nos. M/022/2020 and M/021/2020** approached this court for Bail pending trial. Both applications are supported by affidavit and written address which were adopted in urging the court to grant the application. It is the argument of learned counsel for the accused person that the necessity for granting bail is founded on section 36(5) of the Constitution of FRN 1999 as amended which presumes an accused innocent until proven guilty. Learned counsel also relied on the provision of section 158 of Administration of Criminal Justice Act (ACJA) 2015 to drive home his point on the need to grant the accused person bail.

Counsel cited the authority of *UDUESEGBE VS FRN (2004) LPELR 23191* in urging the court to admit the accused persons to bail on liberal terms.

The authority of *MADU VS STATE (2011) LPELR 3973* was also cited in support of the argument that accused be granted bail in liberal terms.

On their part, Prosecution filed counter affidavit in opposition to the application for Bail and written address which Lough of counsel duly adopted. It is the argument of Lough Esq. for Prosecution that the accused persons have not complied with the mandatory provisions of section 162 of Administration of Criminal Justice Act (ACJA) 2015 for bail to be granted them.

Lough Esq. argued that accused ought to prove that they would not jump bail once same is granted them, and that they would not commit another offence.

Lough Esq. argued further that the criteria as laid down in *ABACHA VS STATE (2001) 8 NWLR (Pt. 715) page 270 at 274*, as follows:-

1. Nature of the charge,
2. Strength of evidence which support charge
3. Gravity of the punishment upon conviction.
4. Criminal record of accused
5. Probability of accused not attending his trial
6. Interference with witnesses or supporting evidence.
7. Likelihood of further charge being brought against the accused, and
8. The necessity of procuring medical report.

Prosecution argued that Applicants have not exhibited any exceptional circumstances to warrant exercise of

discretion in their favour, and urge the court to refuse the application and order for accelerated hearing replying, Godwin of counsel for the accused argued that the onus is not on the accused to show anything in view of their presumption of innocence but on the prosecution.. Counsel for the accused person urged the court to release the accused on Bail on liberal terms.

COURT... I have gone through the arguments for and against the admitting the accused person to Bail pending the hearing and determination of the charge against them.

The law with respect to Bail cannot be over emphasized. The main function of Bail is to ensure the presence of accused person at his trial. Per ***TOBI, JSC (Blessed Memory) in DOKUBO VS FRN (2007) 5 – SC 150.***

If therefore, there are strong signals that accused would jump bail, the court would be right in refusing bail. ***THEOPHILON VS FRN & ORS (2015) LPELR 25984 (SC).***

May I further observe that Bail is constitutional right of an accused person in view of the presumption of innocence. Therefore in considering the grant or otherwise of bail application, the court shall ensure the attendance of accused is secured in court by releasing such accused to a reasonable surety who shall held liable for the production of the accused in court.. Above underscores the importance of condition for Bail as bail is not meant to set an accused person free. I have considered the charge against the accused.. I have also seen the prove of evidence in support of the charge. I am of the view and indeed it is my ruling and

I hereby hold that Accused person are entitled to be admitted to Bail.

I hereby do admit them to Bail on the following conditions:-

- a. Two sureties are to be provided by the accused person each.
- b. Sureties shall sign a Bond to pay the sum of N40 Million in the event that accused jump bail.
- c. Sureties shall be resident of FCT with evidence of ownership of their residences.
- d. Defendants shall deposit their travel documents with the registrar of this court.

Justice Y. Halilu
Hon. Judge
18th June, 2020

APPEARANCE

Defendants in court.

Simon Lough with O.T Lough - for the Prosecution.

Godwin S.O – for the Accused person.