

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GUDU - ABUJA
ON WEDNESDAY THE 12TH DAY FEBRUARY, 2020.
BEFORE HIS LORDSHIP ; HON. JUSTICE MODUPE OSHO-ADEBIYI
SUIT NO. M/4373/2020

INSPECTOR GENERAL OF POLICE -----COMPLAINANT

AND

- 1. WAHAB OPADIJI**
- 2. OGUNSOLA ISMAILA -----DEFENDANTS/APPLICANTS**
- 3. LEKAN AJAYI**
- 4. MANASSEH GAMBO ----- DEFENDANTS**

RULING

I have given due consideration to the arguments in the Applicant's affidavit and submissions of their learned counsel. The fundamental issue that calls for determination is whether or not the Applicant have made out a case to justify variation of the bail conditions granted by the court in favour of the 1st-3rd Applicants on 4th December, 2019 in term of their motion paper filed 20/1/2020.

An overview of the Applicants application shows that all they seek for in this application is for the court to vary the bail condition by way of removing the conditions which requires that their surety must reside within the jurisdiction of this court and that one must be a relative of the Defendant. I have given a serious thought to the prayers. The Court recalls that the Defendants are charged with armed robbery which offence is not only punishable with death but it is not aailable offence. Although the Applicants are presumed innocent of the offence until

proven guilty, Section 161 of Administration of Criminal Justice Act 2015 enjoins the Court to reckon with the punishment for the offence and exceptional circumstances as listed out there in granting bail to such an Applicant. S. 167 (1) of Administration of Criminal Justice Act 2015 requires the Court to grant bail on the term that the defendant is to produce such surety whom in its position will be sufficient to ensure the appearance of the Defendant in Court as and when required. The Supreme Court has held that judges should exercise their discretion on bail application, both judicially and judiciously.

I hold the view that given the nature of the punishment with the offence with which the Defendants are charged and the fact that there are no new facts nor did Applicant place before the court any exceptional circumstances, the conditions of bail granted by this Court will of necessity suffice and serve to ensure the sureties produce the Defendants in court as and when required.

By the above reasons, the court is not minded to exercise its discretion in favour of this application. In consequence, this application fails and is dismissed for lacking in merit.

Parties: Present

Appearances: Adeolu Salako for the 1st, 2nd and 3rd Defendants with Chiamaka Echeozo and Tolulope Ogunmefun. Nochano Emmanuel for the 4th Defendant. J. J. Ayanna for the Prosecution.

**HON. JUSTICE M. OSHO-ADEBIYI
JUDGE
12TH FEBRUARY, 2020**