

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO - F.C.T. - ABUJA

CLERK: CHARITY
COURT NO. 15

SUIT NO:FCT/HC/M/11907/20
DATE 16/12/2020

BETWEEN:

CLEMENT CHIZOBA ORANU.....PLAINTIFF

AND

COMMISSIONER OF POLICE F.C.T. COMMAND & 1 OR....DEFENDANT

RULING
(DELIVERED BY HON. JUSTICE S. B. BELGORE)

This application vide a Motion Ex-parte at the instance of one Clement ChizobaOranu prayed this Court for one principal relief; to wit:

“An Order admitting the applicant to bail pending the hearing and determination of the Motion for enforcement of the Fundamental Rights of the Applicant”.

In support is a 17-paragraphs affidavit and a written address dated 11/12/20. The application itself is also dated the same 11/12/20 and filed same day.

A few minutes ago, learned Counsel to the applicant, Mr. Martin Atojoko moved the application summarily. He urged me to grant the application.

I have considered the application by perusing the content of the 17-paragraphs affidavit and the written argument of Counsel. The application made pursuant to section 34, 35, 36(5), 41 and

46 of the 1999 Constitution (as amended) and O4 R3 of the Fundamental Rights (Enforcement Procedure) Rules; 2009 have made some sterling and baffling disclosures. Paragraphs 3 and 6 of the supporting affidavit deposed or by one Okeke Charles Akachukwu reveals that the applicant was arrested on 26th day of October 2020 and has since then been put in detention by the 1st and 2nd Respondent i.e. the Commissioner of Police, FCT. Now, O4 R3 of the Fundamental Rights (Enforcement Procedure) Rules 2009, reads;

“(a)

.....

(b).....

(c) Where the application is made ex-parte for interim reliefs, the Court may make the following orders:

i) Grant bail or order release of the Applicant forthwith from detention pending the determination of the applications.

ii).....

.....

.....

.....”

It seems to me, that the application based on law and fact is one that has considerable merit. The applicant has been in detention since 26/10/20. That is a period well above one month. In fact close to two months. He has not been taken to any Court to face any possible charge. This is clearly against the provision of our Constitution.

It is for the above reason that I admit this applicant to bail in the sum of N5,000,000.00 (Five Million Naira) only and one

surety also in the same amount. The surety must be Civil Servant working and residing within the Federal Capital Territory, Abuja.

.....
S. B. Belgore
(Judge) 16-12-20.