

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE NYANYA JUDICIAL DIVISION
HOLDEN AT NYANYA ON THE 9TH DAY OF DECEMBER, 2020
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE

SUIT NO.FCT/HC/NY/CR/82/20

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

INSPECTOR GENERAL OF POLICE.....COMPLAINANT

AND

ZAINAB ADAMU.....DEFENDANT

RULING

The Defendant is charged with offences contrary to Section 364, 322, Section 309, 312, 323 of the Penal Code and Section 1(5) of the Advance fee Fraud and other Related offences Act.

Learned Counsel for the Applicant relied on his 4 paragraph Affidavit filed in support of the application. The Applicant deposes that the Defendant is a Civil Servant and is not a flight risk. That Defendant is

suffering from diabetes and hypertension. That Defendant/Applicant is the bread winner and single parent of the family. That the offences are bailable. That if granted bail Defendant will provide reasonable sureties to guarantee her presence in Court.

The Prosecution filed a Counter Affidavit. The deponent deposes that investigation is ongoing. That if granted bail, she will not interfere with the course of investigation. That granting bail will prejudice the interest of the Respondent. That the hospital medical report relied upon is not from the said hospital. That refusing the Applicant bail will be in the interest of justice.

I have also perused the Written Address of Counsel. Bail is at the discretion of the Court to be exercised judicially and judiciously. By Section 162 of the ACJA,

a Defendant charged with an offence punishable with imprisonment for a term exceeding three years shall on application be granted bail except on any of the circumstances provided in subsection (a) – (f).

I have gone through the prosecution's counter affidavit. The charge is before the Court. It contains the proof of evidence and the number of witnesses. The assertion of the Prosecution that investigation is ongoing is a bare assertion not supported by any particulars. The fact that the proof of evidence is before the Court shows that investigation is complete. There is nothing in the prosecution's Affidavit to sway the Court from not exercising its discretion in favour of the Applicant.

The application therefore succeeds.

Bail is granted to the Defendant/Applicant in the sum N5 Million and two sureties in the like sum. One of the sureties shall be a land owner with a Statutory Right of Occupancy within jurisdiction while the 2nd shall be her senior colleague in the FCDA. Case stands adjourned.

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HON. JUSTICE U.P. KEKEMEKE

(HON JUDGE)

09/12/2020