

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA-ABUJA
ON THE 5TH DAY OF FEBRUARY 2021
BEFORE HIS LORDSHIP HON. JUSTICE CHIZOBA N. OJI
PRESIDING JUDGE

SUIT NO: FCT/HC/CR/165/19

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

.....

COMPLAINANT

AND

- 1. DR. TAYO SANNI**
- 2. SAMUEL UDOH IMEH**
- 3. MILLENNIUM INTEGRATED LTD**

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RESPONDENTS

RULING

This is a Ruling on a motion on notice No: M/13172/2020 filed on 22nd December 2020 seeking the bail of the Defendants/Applicants on liberal terms pending the hearing and final determination of his trial before this Honourable court.

For such further order(s) as the honourable court may deem fit to make in the circumstances.

The application is brought pursuant to Sections 158, 162 and 165 of the ACJA, Sections 35, 36 (5) of the Constitution of the Federal Republic of Nigeria (1999) as amended and under the inherent jurisdiction of this honourable court.

The application is predicated on 6 grounds and supported by a 10 paragraph affidavit deposed to by one Kelvin Nyong Okon.

Therein it was stated inter alia that the 1st Applicant was arrested on 3rd December 2020 by men of the Inspector General of Police Monitoring Team of

the Nigerian Police Force and held in police custody until the 14th of December 2020 when he was transferred to the custody of the EFCC on a four count charge before this court.

That the 1st Defendant/Applicant is a known hypertensive and had been treated in EFCC custody for a medical crisis due to elevated blood pressure of 205/124 mmHg and is in dire need of proper medical attention by his personal cardiologist to avoid a recurrence of the medical crisis.

That the 1st Applicant is married with young children and the bread winner of his family.

More importantly, that the second wave of the covid-19 pandemic is all over the world and in Nigeria in particular, and the 1st Applicant's further incarceration will expose him to the possibility of contracting the deadly virus. It was further deposed that the Applicant will appear in court to stand his trial and will not jump bail.

In learned counsel's written address the court was urged to exercise its discretion in favour of the 1st Applicant as the offences for which he is standing trial are not capital offences and therefore bailable.

In vehement opposition to the application, the Prosecution relied on its 27 paragraph counter affidavit deposed by one Ufoma Ezire and filed on 13th January 2020. Therein it was deposed inter alia that the 1st Applicant had earlier been granted administrative bail, which he jumped resulting in the delay in his arraignment before this honourable court, and two amendments of the information pending his final arrest.

That the 1st Applicant was only arrested after the joint effort of other law enforcement agencies in December 2020. That the Applicant is a flight risk if granted bail. That the court has already granted accelerated hearing in the case.

In the Prosecution's written address the court was urged to refuse the 1st Applicant bail and proceed to accelerated hearing.

On 15th September 2021 a further affidavit of 18 paragraphs deposed by Esther Adebajo was filed on behalf of the 1st Applicant wherein it was stated inter alia that the 1st Applicant did not jump administrative bail, rather he was not given a return date to appear before the EFCC after his appearance before them in December 2018.

A written address was filed in support of the further affidavit urging that bail be granted to the 1st Applicant.

I have considered the application, the affidavits on both sides and the written and oral submissions of learned counsel.

The essence of bail is to ensure that the Defendant appears in court for his trial.

The court is also mindful of the fact that the Defendant has the constitutional right to adequate time and facilities to prepare his defence.

In the instant case the Defendant is not standing trial for any capital offence, he is therefore ordinarily entitled to bail.

More importantly, the world, Nigeria inclusive is in the middle of a pandemic – the deadly covid-19 virus is ravaging the world.

I do not think that it will be proper to keep the Defendant in custody where he may be potentially exposed to the deadly virus.

Accordingly, I shall exercise my discretion in favour of the Applicant by admitting him to bail on the following conditions.

I admit the 1st Applicant to bail in the sum of ₦30million with 2 reasonable sureties who must be Directors in the Federal Civil Service, resident in FCT Abuja with evidence of ownership (C of O) of a landed property within Abuja

Municipal Area Council. The original of such C of O shall be deposited with the court.

The 1st Applicant shall further deposit his international passport with this court and report to the office of the EFCC at No. 2 Nyala Close off Tunis Street Wuse Zone 6 Abuja every Monday morning at 9am, pending the final determination of this case.

Case adjourned to 5th March 2021 at 10am for definite hearing.

Hon. Judge