

IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO

CLERK: CHARITY ONUZULIKE
COURT NO. 15

SUIT NO: FCT/HC/CR/1008/20
DATE: 17/02/2021

BETWEEN:

INSPECTOR GENERAL OF POLICE.....PLAINTIFF

AND

WONDER OSERIEME ABRAHAM.....DEFENDANT

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

This Ruling concerns a bail application at the Defendant instance of the Defendant standing trial for a 3-counts charge bordering on false pretence contrary to the provisions of **S. 1(3) of Advance Fee Fraud & Other Fraud Related Offence Act, 2004.**

The applicant is premised on **S.35 of the 1999 Constitution and S.158, 161 and 162 of ACJA.**

In support is a 6-paragraph affidavits and written address.

The learned Counsel to the applicant James OgenyiEsq. moved the application *brevimanu*. He urged me to grant the application.

In opposing, the learned prosecution Counsel filed a counter-affidavit of 17-paragraph and a written address. He relied on all the prayers of the 2-affidavits especially paragraph 4, 7, 9, 12, 15 & 16 and adopted his written address as his argument in opposition. There is also exhibit **NP1** and **NP2** attached pursuant to paragraph 7 and 15 respectively.

I have adverted to the circumstance of this application and the written arguments of both Counsel.

To my mind, offence alleged against the Defendant is a non-bailable offence. But the Court exercising her discretion can admit to bail upon proper exercise of discretion judicially and judiciously. See **AHMED VS COP (2012) 7 NWLR (PT. 1304) 104.**

I ask the question here, what are the facts placed before the court upon which I can draw inferences, that would lead to a proper exercise of discretion? The applicant had earlier been detained for two months before being taken to Court. He was arraigned before Magistrate A. A. Eri at Wuse Zone 6 where he was granted bail. While on bail he never jumped bail and attended Court regularly and unfailingly. That was from 14/7/20.

Then the prosecutor withdrew the case at the Magistrate Court on 27/1/21 and re-filed in this Court. The applicant has never been charged for any offence before in any court and investigation that sometimes in May, 2020 has been completed.

See paragraph 5 of the supporting affidavit which were not denied by the prosecutor in the entire gamut of their 17-paragraph affidavit.

In effect therefore, I find no likelihood of the applicant jumping bail, no likelihood of committing further or other offences.

In effect, I hold that the applicant has met all the conditions specific in **S.158-161** and **162 of ACJA**. This is a proper situation when I should exercise my discretion to extend bail to this applicant and I so do.

Finally, the applicant is admitted to bail in the sum of **N10,000,000.00** (Ten Million Naira) only and two sureties each in the same amount. The sureties must be Civil Servants not below grade level 12 working and residing within the jurisdiction of this Court.

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S. B. Belgore
(Judge)17/02/21