

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP: HON. JUSTICE Y. HALILU

COURT CLERKS : JANET O. ODAH & ORS

COURT NUMBER : HIGH COURT NO. 15

CASE NUMBER : CHARGE NO: CR/187/2021

DATE: : THURSDAY 22ND JULY, 2021

BETWEEN:

**INSPECTOR GENERAL OF POLICE } COMPLAINANT/
RESPONDENT**

AND

**MRS. CHINYEREA MUCHINWA } DEFENDANT/
IGWEGBE } APPLICANT**

R.F Dimka- for the Prosecution.

I.O Nweze with W.U Osheku- for the Defendant.

ARRAIGNMENT

COUNT 1

Qst... Guilty or not guilty?

Ans:- Not guilty my lord.

COUNT 2

Qst... Guilty or not guilty?

Ans:- I am not guilty.

COUNT 3

Qst..Guilty or not guilty?

Ans:- I am not guilty my lord.

COUNT 4

Qst..Guilty or not guilty?

Ans:- I am not guilty my lord.

Dimka:-We are in receipt of Bail application which we do not object realizing the fact that Bail is at the discretion of the court.

Nweze:-We have filed application **No. 4438/21** seeking the Bail of the accused person. Our application is supported by affidavit and written address which we hereby adopt urging the court to grant same in the overriding interest of justice. We submit that bail is at the discretion of the court. We so urge the court to admit Applicant to Bail.

Dimka:-No objection. We however urge the court to give stringent condition to ensure Defendant attends her trial.

Court:-

Bail is a security in the form of cash or Bond required by a court of law for the released of an accused person or prisoner who is to appear in court at a future time.

It is the constitutional right of an accused person to be released on Bail.. section 35 (4) of the constitution of the Federal Republic of Nigeria as amended which guarantees the right of an accused to liberty, allows such an accused person to be released on Bail upon such condition and terms as are reasonably necessary to ensure thathe/she appears for trial at a later date which is indeed is the main

function of Bail. See *SULEIMAN VS COP, ONYEBODE VS FRN*. Where it was held that the main function of Bail is to ensure the presence of the accused at the trial. So if there is any reason to believe that the accused is likely to jump bail, Bail will properly be refused by the trial court in exercise of its direction in dealing with the application. This criteria has been described by the Supreme Court as the omnibus criteria and therefore the most important criteria to be considered by court in exercise of its discretion on Bail application. It is indeed based on the belief that the incentive to jump bail arises from the gravity and seriousness of the offence.

I have seen the charge against the accused person. The offences are allailable as rightly stated by Dimka Esq. for the Prosecution.

Bail is at the discretion of the court, taking into account the competing interests of the parties before the court.

On the strength of the annexures contained in the affidavit in support of the application coupled with the positions of the prosecution ably led by Dimka of counsel, court is minded to admit accused person to Bail on terms and conditions.

Accused is hereby admitted to Bail on the following terms and conditions;

1. Accused shall provide two sureties who must be Nigerian with established source of income and who must be residents of FCT, Abuja.
2. Sureties shall write undertaking to produce accused in court at all times until this case is disposed of.

3. The residential address of the sureties shall be verified by the Registrar of this court.
4. Accused shall deposit her travel documents with the Registrar of this court.

Justice Y. Halilu
Hon. Judge
22nd July, 2021

APPEARANCE

R. F Dimka – for the Prosecution.

I.O Nweze with W.U Osheku- for the Defendant.