

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT 5 MAITAMA ABUJA ON THE 21ST DAY OF
OCTOBER, 2021

BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE

SUIT NO.FCT/HC/CR/140/21

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

1. CECILIA OSIPITAN 2. PJO VENTURES LIMITED 3. INSURANCE RESOURCERY & CONSULTANCY SERVICES LTD	}DEFENDANTS
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RULING

This is a Motion for bail of the 1st Defendant.

The offence for which the Defendants are charged is created by Section 311 of the Penal Code and punishable under Section 312 of the Penal code.

Section 162 of the Administration of Criminal Justice Act states that a Defendant charged with an offence punishable with imprisonment for a term exceeding 3 years as in this case

shall on application to the Court be released on bail except in any of the following circumstances:

- a. Where there is reasonable ground to believe that the Defendant will where released on bail commit another offence.
- b. Attempt to evade trial
- c. Attempt to influence, interfere with, intimidate witnesses and or interfere in the investigation of the case.
- d. Attempt to conceal or destroy evidence.
- e. Prejudice the proper investigation of the offence or
- f. Undermine or jeopardize the objectives or purpose or the functioning of the criminal justice administration.

The law is that upon an application such as this application, bail should be granted except in the circumstance listed above.

The law imposes a duty on the Prosecution to contradict or controvert the above stated proviso.

The Prosecution's deposition in its Affidavit is that when the 1st Defendant was initially invited, she failed to honour the invitation.

The Prosecution further deposes that the 1st Defendant was granted administrative bail with conditions when she eventually honoured the invitation.

I have also read Exhibit A and other Exhibits. The only fear of the Prosecution is that the 1st Defendant will evade her trial.

The 1st Defendant was on administrative bail. There is nothing to suggest that the 1st Defendant jumped bail or that her bail was revoked. The Applicant's deposition is that a similar charge was filed against her at the Federal High Court. That she was granted bail on 26/03/21 which suggests that she came to this Court from home.

Under our law, bail is a right of a Defendant. A Defendant is not usually denied bail except where the offence is a capital offence where special circumstances genuinely exist or as stated in the proviso of Section 162 of the Administration of Criminal Justice Act.

A Defendant is presumed innocent until proven guilty.

The grant or refusal of bail is not whimsical. It is at the discretion of the Court to be exercised judicially or judiciously.

I have read the whole gamut of the Prosecution's Counter Affidavit. I find none of the exceptions that can inhibit my granting bail except the fear that the Defendant will jump bail or evade trial. I find that fear unfounded.

She was granted administrative bail, she did not jump bail. She was granted bail at the Federal High Court. She came to this Court from home.

In the circumstance of this case and for the reasons inter alia stated,

The application succeeds.

Bail is granted to the 1st Defendant in the sum of N500 Million and Two Sureties each in the like sum.

The Sureties shall be either:

1. The owner of a landed property in Abuja with a Statutory Right of Occupancy.

2. A civil/public servant on the level of Assistant Director and above.
3. A member of the National Assembly.
4. A first-class traditional ruler or
5. A renowned Pastor or Imam.

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HON. JUSTICE U.P. KEKEMEKE
(HON. JUDGE)
21/10/21