

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT 5 MAITAMA ABUJA 25TH DAY OF OCTOBER,
2021
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE
SUIT NO.FCT/HC/CR/191/21

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

1. VICTOR IGWE)

2. MOHAMMED SHARIF).....DEFENDANTS

RULING

By Section 162 of the Administration of Criminal Justice Act, A Defendant charged with an offence punishable with imprisonment for a term exceeding 3 years shall on application to the court be released on bail except in any of the following circumstances.

1. Reasonable ground to believe that the Defendant will where released commit another offence.
2. Attempt to evade trial.
3. Attempt to influence, interfere with, intimidate witnesses or interfere in investigation.
4. Attempt to conceal or destroy evidence.

Section 163 states that in any other circumstance other than those listed in paragraphs 162, the Defendant shall be granted bail.

The Applicant in his Affidavit deposed that he will diligently attend his trial if granted bail. That he will not conceal or destroy evidence neither will he interfere or prejudice investigation. The Prosecution on the other hand summarised the charge before the Court.

That investigation is complete. That the Defendant admitted the charge. That the offence is serious in nature. That evidence is overwhelming. That proof of evidence discloses a prima facie case. That Defendant has not placed any exceptional circumstance to warrant the grant of bail.

I have also considered the Written Addresses of Counsel.

Bail is at the discretion of the Court to be exercised judicially and judiciously.

The Prosecution has not deposed to cogent facts contained in the proviso of Section 162 of the Administration of Criminal Justice Act so as to deny the 1st Defendant bail.

Bail is a right.

A Defendant is presumed innocent until proven guilty.

It is not the law that a Defendant should be punished by denying him bail before he is found guilty. Admission of guilt in an extra judicial statement is not a bar to the exercise of the Court's discretion to grant bail.

In my humble view, the Defendant has placed sufficient materials before this court to enable me exercise my discretion in his favour.

The application succeeds.

Bail is granted to the 1st Defendant in the sum of ₦10 Million and one Surety in like sum.

The Surety shall be a civil servant on the cadre of Assistant Director in a Federal Government Parastatal or the owner of a built up Statutory Right of Occupancy within the Capital city while case stands adjourned.

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HON. JUSTICE U.P. KEKEMEKE
(HON. JUDGE)

25/10/21.