

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT ABUJA**

THIS TUESDAY, 7TH DAY OF DECEMBER, 2021.

BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI – JUDGE

**CHARGE NO: CR/85/2019
MOTION NO: M/10048/2020**

BETWEEN:

COMMISSIONER OF POLICE DEFENDANT/APPLICANT

AND

- 1. JAMILU JIBRIL DEFENDANT/APPLICANT**
- 2. SADIQ ABDULLAHI DEFENDANT/RESPONDENT**

RULING

The Defendants were arraigned on a two Counts charge as contained in the charge sheet dated 2nd November, 2021. The Defendants pleaded not guilty to the two counts.

I have carefully listened to the oral application of the counsel to the 1st Applicant to admit the 1st Applicant to bail. He addressed the court on the legal principles governing grant of bail and urged the court to grant bail to the 1st Applicant. The complainant did not oppose the bail application.

Under our criminal justice system, it is not in doubt that the nature of the offences for which the 1st Defendant/Applicant is charged in this case is such that entitle him to bail by virtue of the clear provision of **Section 162 of ACJA, 2015** except circumstances are shown or established why he should not take the benefit of being admitted to bail.

As rightly alluded by the counsel to the 1st Defendant/Applicant, by the relevant provisions of the 1999 Constitution (as Amended), the law presumes the 1st Defendant/Applicant innocent until the contrary is proved by the prosecution at

plenary hearing. The essence of bail is simply to ensure the presence of the 1st Defendant/Applicant at trial of the charge preferred against him.

In this case, there is nothing suggestive of the fact that the 1st Defendant/Applicant will if granted bail be unavailable to face his trial. There is similarly no question that the Defendant/Applicant will tamper with investigations in any manner or may interfere with witnesses or suppress the evidence which may be adduced at trial.

The bottom line really is that there is no feature or material that will prevent the court from properly exercising its discretion to grant bail to the 1st Defendant/Applicant. As stated earlier, the complainant did not oppose the application.

I accordingly grant bail to the 1st Defendant/Applicant on the following terms:

- 1. The 1st Defendant/Applicant is hereby admitted to bail in the sum of N500, 000 (Five Hundred Thousand Naira) with one surety in the like sum.**
- 2. The surety shall be a Civil servant not below Grade Level 08 within the jurisdiction of this Court.**
- 3. The surety shall provide verifiable means of identification as a Civil servant; place of abode and also depose to an affidavit of means.**
- 4. Matter is adjourned to 7th February, 2022 for hearing.**

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Hon. Justice A.I. Kutigi

Appearances:

- 1. S.I. Nwafoaku, Esq., for the Complainant/Respondent.**
- 2. E.G. Shuaibu, Esq. with Joe Abraham jnr. and Queeneth Jiadon holding the brief of K.O. Fagbemi, Esq., for the 1st Defendant/Applicant.**
- 3. F.U. Ogwemi for the 2nd Defendant/Respondent.**