

**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/10055/2020**

BETWEEN:

COMMISSIONER OF POLICE DEFENDANT/APPLICANT

AND

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

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.

Learned counsel to the 2nd Defendant/Applicant filed a motion for bail dated 24th September, 2020 and filed same date in the Registry of this Court. In support of the Application is a 13 paragraphs affidavit and a written address. The address dealt with the settled principles governing the grant of bail applications. The Applicant filed a further affidavit in support of the motion with one annexure marked as Exhibit C dated 30th October, 2020 and filed same date.

At the hearing, counsel to the 2nd Defendant/Applicant relied on the paragraphs of the applicants affidavits and adopted the submissions in the written address in urging the court to grant bail to the 2nd Applicant. The **Complainant** did not

oppose the bail application and indeed did not file any counter-affidavit. The facts in support of the extant application are thus deemed in law admitted.

Under our criminal justice system, it is not in doubt that the nature of the offences for which the 2nd defendant/applicant is charged in this case is such that entitles him to bail by virtue of the 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 to by the counsel to the 2nd Defendant/Applicant, by the relevant provisions of the 1999 Constitution, the law presumes the 2nd 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 Defendant/Applicant at trial of the charge preferred against him.

In this case, there is nothing suggestive of the fact that the 2nd Defendant/Applicant will if granted bail be unavailable to face his trial. There is similarly no question that the 2nd 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 2nd Defendant/Applicant. As stated earlier, the application was not opposed by the complainant.

I accordingly grant bail to the 2nd Defendant/Applicant on the following terms:

- 1. The 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.**
 - 1. The surety shall provide verifiable means of identification as a Civil servant; place of abode and also depose to an affidavit of means.**
- 3. Matter adjourned to 7th February, 2022 for hearing.**

.....
Hon. Justice A.I. Kutigi

Appearances:

- 1. S.I. Nwafoaku, Esq., for the Complainant/Respondent.**
- 2. E.G. Shuaibu, Esq. with Joe Abrahams and Queeneth Jiadon for the 1st Defendant/Respondent.**
- 3. F.U. Ogwemi for the 2nd Defendant/Applicant.**