

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON FRIDAY, THE 26TH DAY OF NOVEMBER, 2021

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA
JUDGE

SUIT NO.: FCT/HC/CR/117/21

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ----- } PROSECUTION

AND

1. ANSELEM ENIGWE
2. ROSE ABANUM
3. DAMPAT ENERGY LIMITED ----- } DEFENDANTS

COURT RULING ON BAIL:

In an amended Charge filed on 26th October, 2021; the 1st – 3rd Defendants – Anselem Enigwe, Rose Abanim and Dampat Energy Limited were charged Eleven (11) Counts with various offences of obtaining money by false pretence from Reoda Engineering Limited. They were also charged with intent to defraud, forgery of documents letter of award of contract using forged documents as genuine, retaining proceed of crime and transfer of proceed of crime from one bank to other among other Charges. These crimes were offences contrary to the

extant provision of the EFCC Establishment Account 2014.

They were arraigned before this Court and they variously pleaded Not Guilty to the respective offences the alleged said to have committed.

The 1st Defendant Counsel made an oral application for Bail of the 1st Defendant. He claimed that the 1st Defendant is a member of the Legal Profession for over 22 years with two (2) Children. A public figure and a two (2) times Chairman of the Abakaliki Local Government Area. That the Stake was what he received in his professional capacity for services rendered as a lawyer. That he had always honoured the Admin Bail granted to him. That Court could grant him Bail on Personal Recognition. That alternatively, he has a lawyer of good standing who is ready to stand as his Surety. He relied on **S. 36 (5) 1999 Constitution of the Federal Republic of Nigeria as amended, S. 158 ACJA.**

The 2nd & 3rd Defendants' Counsel moved the oral application for Bail of the 2nd & 3rd Defendants. The 2nd & 3rd Defendants' Counsel said that the offences in issue are bailable and that it is at Court's discretion to grant Bail.

That the 2nd & 3rd Defendants are notable figures in the society. That 2nd Defendant contested as the Gubernatorial candidate for Delta State. She has reliable Sureties also who can stand for them. She never jumped

Admin Bail too. That she has health challenges and also has traceable address and will not jump Bail.

That granting her Bail will give her chance to prepare her Defence. That she will not interfere with the Suit if Bail is granted.

Bail is the right of every citizen charged with an offence. But granting Bail is at the discretion of Court. S. 158 ACJA. See:

Bameyi V. State

State V. Isah

S. 162 lists out conditions the Court will consider before Bail is granted or refused.

The Court had considered the submission of all the Defendants' Counsels and the reasons given for seeking Bail.

The Court therefore holds that it will be in the interest of justice of the case at this stage to grant Bail to the Defendants. It will enable them prepare adequately for their case and Defence as it were.

Bail is granted in the following terms:

- (1) Bail is granted to the 1st Defendant on personal recognition in that he must be in Court everyday this matter is scheduled to be heard.
- (2) Bail is granted to the 2nd Defendant in that she must produce one (1) Surety who must have

evidence of unencumbered property within the FCT Municipal Area Council.

- (3) On the 3rd Defendant, the company must show evidence of at least Fifteen Million Naira (₦15,000,000.00) cash in a reputable Bank in Nigeria.
- (4) 1st & 2nd Defendants must deposit their valid International Passport which is up to date with the Registrar of the Court.

This is the Ruling of this Court.

Delivered today the ___ day of _____ 2021 by me.

K.N. OGBONNAYA
HON. JUDGE