

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

**THIS WEDNESDAY THE 2ND DAY OF MARCH, 2022.**

**BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI -- JUDGE**

**CHARGE NO: HC/GWD/CR/06/21**

**MOTION NO: GWD/M/292/21**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT/RESPONDENT**

**AND**

**UMAR YAHAYA MUHAMMED.....DEFENDANT/APPLICANT**

**RULING**

The Defendant was arraigned on a six counts charge as contained in the charge sheet. He duly pleaded not guilty. An application for bail dated 29<sup>th</sup> October, 2021 was filed on his behalf in the court's registry on 1st November, 2022.

The application is supported by an 11 paragraphs affidavit together with a written address and brought pursuant to the provisions of **Section 158, 161 and 162 of the ACJA 2015 and Section 36 of the 1999 Constitution.**

Learned counsel to the Applicant relied on the paragraphs of the supporting affidavit and urged the court to grant the application. The complainant did not file any process in opposition and infact did not oppose the application.

Now under our criminal justice system, it is not in doubt that the nature of the offences for which the defendant is charged in this case are such that entitles him to bail by virtue of the provision of **Sections 158, 161 and 162 of ACJA 2015** except circumstances are shown or established why he should not take the benefit of being admitted to bail.

As alluded to by counsel to the defendant, by the provisions of the law relied on, the law presumes the defendant until the contrary is proved by the prosecution at plenary hearing. The salutary essence of bail is simply to ensure the presence of the defendant at the trial of the charge preferred against him.

In this case, there is nothing suggestive of the fact that the defendant will if granted bail be unavailable to face his trial. There is similarly no question that the defendant will tamper with investigations in any manner or may interfere with witnesses or suppress the evidence which may be adduced at trial. Indeed it is on record that prior to his arraignment that the Defendant has been on administrative bail and has done nothing to subvert or abuse same.

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 defendant.

Bail is accordingly granted to the defendant and I accordingly order as follows:

- 1. The Accused is hereby admitted to bail in the sum of ₦1, 000, 000 (One Million Naira Only) with one surety in the like sum.**
- 2. The surety shall be a civil servant not below Grade Level 08.**
- 3. The surety shall provide verifiable means of identification as a public servant and verifiable place of abode.**
- 4. The surety shall also depose to an affidavit of means**
- 5. Matter adjourned to 16th May, 2022 for hearing.**

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

**Appearances:**

**1. Emeka V. Ilekonye, Esq., for the Prosecution.**

**2. C. Nwaokorie, Esq., for the Defendant.**