

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP : HON. JUSTICE Y. HALILU
COURT CLERKS : JANET O. ODAH & ORS
COURT NUMBER : HIGH COURT NO. 14
CASE NUMBER : CHARGE NO: CR/545/2021
DATE: : MONDAY 4TH DECEMBER, 2023

BETWEEN:

COMMISSIONER OF POLICE } COMPLAINANT
FCT COMMAND ABUJA }

AND

MOSES TERKULA JATAU RESPONDENT

RULING

Avre:- We have application dated the 11th April, 2022 for the relief therein, it is supported by affidavit and written address which we hereby adopt, urging the Court to grant the application.

Ochai:- We have not filed our counter affidavit. We are not opposing the application.

COURT:- RULING

Bail is the Constitutional Right of an Accused Person Pursuant to Section 36(5) of the 1999 Constitution of Federal Republic of Nigeria which enures in favour of an Accused Person. It is the discretion of the Court to admit an Accused/Applicant to Bail pending Trial or Appeal. The conditions are however not the same.

I shall dwell heavily on Bail pending Trial... Treasonable felony is the highest offence known to our Federal laws.

In ***ABIOLA VS. FRN (1995) 1 NWLR (Pt. 155) (CA); DOKUBO VS. FRN (2007) LPLER (Pt. 958) (SC)***, the Supreme Court of Nigeria admitted the Defendant in above cases

to Bail even though they were charged with Treason. The proof of evidence in support of the charge shall be taken into account in deciding to admit or not to admit an Applicant to Bail.

In ***COP VS. SULEIMAN***, our Niki Tobi (JSC) (Deceased) dwelled on the need to ensure attendance of such an accused at his trial which the jurist viewed as the most important conclusion which clearly understands the need to have credible sureties.

In the exercise of my discretionary power, I have taken into account the proof of evidence and other surrounding circumstances.

I have equally listened to the submission of learned Prosecution counsel. In my humble view, Defendant whose right to be presumed innocent is constitutional, is entitled to Bail. He's therefore admitted to Bail on the following terms and conditions:-

1. Defendant shall produce one Surety who must be resident of the FCT with valuable means of livelihood.
2. The said surety must be a Civil Servant not below level 12 in the Federal Civil Service who shall give a letter of undertaking to always produce the Defendant in Court.

3. The Defendant shall also give undertaking not to travel outside the jurisdiction of this Court without a Written Notice to this Court.

Justice Y. Halilu
Hon. Judge
4th December, 2023