

**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. 13**  
**CASE NUMBER : CHARGE NO: CR/847/2024**  
**DATE: : THURSDAY 7<sup>TH</sup> NOVEMBER, 2024**

**BETWEEN:**

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

**AND**

**AJUDEONU PRAISE ..... DEFENDANT/APPLICANT**

## **RULING**

This Ruling is at the instance of the Bail application moved by Defendant/Applicant vide Motion on Notice dated 6<sup>th</sup> November, 2024 and filed same day, praying the Court for the following:-

1. An Order of this Honourable Court admitting the Defendant/Applicant in this criminal trial to bail pending the final hearing and determination of this criminal trial.
2. And for such Order or further Orders as this Honourable Court may deem fit and proper to make in the circumstances.

In support of the application is a 16 paragraph affidavit deposed to by Ajudeonu Praise, the Defendant in this Charge. It is the averment of the Defendant, that he is being arraigned before this Honourable Court on a one (1) Count Charge.

That he was arrested and interrogated and was subsequently detained by the Economic and Financial Crimes Commission, and that the Complainant has since granted him administrative bail on account of his maximum cooperation with them and on account of health condition.

That he is currently receiving treatment twice a week at a medical home in Lugbe, Abuja and that it would be in the interest of justice and his health conditions to be allowed to enjoy the bail the Complainant had already granted him so as to fully attend to his health.

That the Complainant had already concluded investigation and if granted bail, he undertake not to interfere with the course of the trial. That he will be available for trial before this Honourable Court at all times.

That he sustained injuries to the body that require local medicine, and also that he will not jump bail if granted bail. That it will serve the interest of justice to admit the Applicant to bail on self-recognizance or on the most liberal term as the Honourable Court may deem fit to make.

That the Applicant undertakes not to interfere with the investigation of this case or make contacts with the witnesses of the Respondent, and that the Applicant has reliable and responsible persons who are prepared to stand sureties if he is admitted to bail by this Honourable Court.

That it will be in the interest of justice if this Honourable Court will grant this application.

In line with law and procedure, Defendant/Applicant filed written address wherein lone issue was formulated for determination to-wit;

***Whether having regard to the facts and circumstances of this case the provisions of Section 35, 36(5) of the 1999 Constitution of the Federal Republic of Nigeria and case law, the Defendant/Applicant is entitled to the grant of this Application on most liberal terms?***

It is the submission of learned counsel, that the law is settled that any person accused of having committed a criminal offence enjoys a presumption of innocence as guaranteed by **Section 35 (6) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)**. The presumption of innocence remains until guilt of the defendant is proven.

Learned counsel also submits, that it is the law that the fundamental right of an accused person to personal liberty includes the right to bail pending trial. It is now settled law that this Constitutional right as provided in the 1999 Constitution in Section 35 (4) must be favorably applied in favor of an accused person standing trial for non-capital offence particularly where he

has pleaded not guilty so as to enable him continue to enjoy his right to liberty by admitting him to bail on workable, liberal terms.

Learned counsel further submits, that since the presumption of innocence still inures in favor of a person standing trial, his freedom to liberty by admitting him to bail on liberal terms in deserving cases must always be protected, irrespective of the offences "bandied in the charge". This is to ensure that such persons standing, trial are not forced to serve detention terms even before conviction. On this counsel cited the case of ***SULEMAN V. C.O.P. PLATEAU STATE (2008) 8 NWLR (Pt. 1089) 29*** was cited.

Learned counsel contends, that it is trite that the one (1) count charge the Defendant is standing trial for is one for which Defendant can ordinarily be granted bail pursuant to the provision of Section 161 (1) (2) (a)-(c) of the Administration of Criminal Justice Act (ACJA), 2015.

Learned counsel argued, that the depositions as contained in the 16 paragraph affidavit in support of this bail application is on the deteriorating health condition of the Defendant/Applicant inter alia. By virtue of the provision of **Section 161(2) (a)** of the **Administration of Criminal Justice Act (ACJA), 2015**, ill

health will constitute special circumstance why a detainee in custody or a Defendant/Applicant will be admitted to bail even if standing a criminal trial for an offence which attract a death sentence.

Learned counsel submits, that the principle is now settled that where a Trial Court has decided to exercise its discretion in favor of an application for bail. The impression must not be created that bail is given with the one hand while quickly taken with the other by the same court. In ***OMOEFE ERIC UDUESEGBE VS. FRN (2004) LPELR – 23191.***

Learned counsel further contends, that the Defendant/Applicant has shown that he is the bread winner of his family and that he has several dependents whom he would be unable to fend for. On the strength of the above authorities and admonition by the Appellate Courts, counsel respectfully urge this Court to grant the instant application by admitting the Defendant/Applicant herein to most

Counsel also submits, that they have shown sufficient special circumstances in urging this Court to exercise his discretion in favor of the Defendant/Applicant.

Learned counsel conclude by urging this Honourable Court to admit the Defendant/Applicant to bail particularly in reference to the provisions of **Section 36(5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) Third Alteration Act** wherein presumption of innocence endures in favour of the Defendant/Applicant.

**COURT:-**

I have considered the said application seeking the Bail of the Defendant/Applicant which is uncontested.

Bail is a constitutional right and contractual between an accused and the Court once granted by a Court of law. Constitutional right because the accused person is presumed innocent until his guilt is established as provided for under **Section 36(5) of the 1999 Constitution of Federal Republic of Nigeria.**

The essence of Bail is not to set an accused person free but to release him from custody of the law and to entrust him to appear at his trial at a given date. It is therefore to grant such an accused person a pre-judicial freedom whose appearances can be compelled by ensuring a credible surety takes him on Bail and undertakes to produce him in Court. Above was stated by Tobi,

JSC, (as he then was), in the case of ***SULEIMAN & ANOR VS. C.O.P (3126) (SC).***

The law is equally established that Section 36(5) of the 1999 Constitution as amended is in favour of an Accused person in view of the fact that his guilt must be established for him to be deprived the entitlement to his Fundamental Human Rights to Freedom of Movement etcetera as enshrined in the Constitution, i.e Chapter IV of the Constitution.

I have listened to learned counsel for the Defendant/Applicant on the one hand, and the reaction of learned counsel for the Prosecution who clearly is unopposed to the grant of the application. Please note that once an accused is arraigned before a Court of law and pleads to a charge, it pre-supposes that investigation has been conclusively carried-out. On the other hand, where investigation is ongoing, the Complainant naturally would have approached the Court for a remand Order which will afford them the opportunity to keep such Accused person for 14 days or more once extended by the same Court. The argument therefore that investigation is ongoing can therefore not be tenable.



It is similarly true that the criminal record of an Accused person is often taken into account and the likelihood of such an accused person jumping bail and thereby escaping justice. Of the conditions, the most important is the availability of the Defendant to stand trial. This of course underscores the issue of sureties who must be credible.

Our legendary Prof. of Law, Ben Nwabueze, SAN, a text book writer lent his voice on the significance of Human Rights which he opined that these rights are already possessed and enjoyed by individuals and that the *"Bills of Rights"* as we know them today *"created no right de-novo but declared and preserved already existing rights, which they extended against the legislature."*

The charge before this Court reveal offences that areailable. Courts have granted bail to Accused person who was arraigned for Treason.

See ***ABIOLA VS. FRN (1995) 1 NWLR (Pt. 155) (CA);***

***DOKUBO VS. FRN (2007) LPELR (Pt. 958) (SC).***

I am minded on the strength of all I have said therefore to grant the Accused person bail. I hereby grant Accused person Bail on the following terms and conditions:

1. Accused person shall produce two (2) sureties who must be Civil Servants in the Federal Civil Service and not below the Rank of Director who must provide evidence of First Employment and Last promotion.
2. The Surety shall also write undertaking to produce the Accused person in Court throughout the hearing and shall be put in detention in the event that Defendant/Applicant jumps bail.
3. Accused person must write an undertaking to be of good behaviour throughout their trial/bail and risk having same revoked.

***Justice Y. Halilu***  
***Hon. Justice***  
***7<sup>th</sup> November, 2024***

## **APPEARANCES**

Maryam A.A., Esq. – for Prosecution.

Bobby Kadiri, Esq. – for Defendant.