

**THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT ABUJA**

THIS THURSDAY, THE 6TH DAY OF APRIL, 2023

BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI – JUDGE

SUIT NO: FCT/HC/CR/250/23

MOTION NO: M/7005/2023

MOTION NO: M/7023/2023

MOTION NO: M/7043/2023

BETWEEN:

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

AND

- | | | |
|--|---|--------------------------------------|
| 1. GEORGE OBOM ORJI | } | ...DEFENDANTS/
APPLICANTS |
| 2. WILLIBOG NIGERIA LIMITED | | |
| 3. SAMUEL ADEYEMO | | |
| 4. GRT COMPANY AND SERVICES LIMITED | | |
| 5. ENILOLOBO HENRY LUKMAN | | |

RULING

The 1st, 3rd and 5th Defendants along with **two other Defendants**, corporate bodies were arraigned on an eight counts charge sheet dated 22nd February, 2022 and filed on 27th February, 2023 at the Court’s Registry. They all duly pleaded not guilty.

The 1st, 3rd and 5th Defendants all filed bail applications. The bail application of **1st Defendant** is dated **31st March, 2023**. In support of the application is a seventeen (17) paragraphs affidavit and a written address which dealt with the settled principles governing grant of bail. It was contended that the 1st Defendant has on the materials satisfied the conditions for the grant of bail.

The bail application of **3rd Defendant** is also dated **31st March, 2023**. It is supported by an eight (8) paragraphs affidavit with one annexure and a written address. The address equally dealt with the settled principles governing grant of bail and it was contended that he has equally furnished sufficient materials to allow for grant of bail.

On the part of the **3rd Defendant**, his bail application is dated **27th March, 2023** and supported by a six(6) paragraphs affidavit with a written address. As with the other applicants, the address similarly dealt with the settled principles governing grant of bail and it was equally contended that he has similarly supported sufficient materials to allow for grant of bail.

All counsel for the Applicants relied on the contents of their respective affidavits and adopted the submissions in their written addresses in urging the court to grant the application.

The **Complainant/Respondent** did not oppose the application. Indeed learned counsel to the Complainant, **Elizabeth Alabi** only urged on the court to grant terms that would ensure the Defendants attend court.

I have carefully read the processes filed and the submissions on both sides of the aisle and the narrow issue is whether the court should in the circumstances grant bail to the Applicants.

Now under our criminal justice system, it is not in doubt that the nature of the offences(s) for which the Defendants are charged in this case is such that entitles them to bail by virtue of the provision of **Section 162 of the Administration of Criminal Justice Act (ACJA) 2015** except circumstances are shown or established why they should not take the benefit of being admitted to bail.

As alluded to by counsel to the 1st, 3rd and 5th Defendants, by the relevant provisions of the law relied on, the law presumes the Defendants innocent until the contrary is proved by the prosecution at plenary hearing. The salutary essence of bail is simply to ensure the presence of the Defendants at the trial of the charge preferred against them.

In this case, there is nothing suggestive of the fact that Defendants will if granted bail be unavailable to face their trial. The fact that they have been on administrative bail which they did not breach accentuates the position that they will be available to stand their trial. There is similarly no question that the

Defendants 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 **1st, 3rd and 5th Defendants.**

I accordingly order as follows:

- 1. The 1st, 3rd and 5th Defendant are hereby admitted to bail in the sum of N10,000,000(Ten Million Naira) each with one surety in the like sum.**
- 2. The surety shall be a civil servant not below grade level 12, who shall be resident within jurisdiction.**
- 3. The surety shall also depose to an affidavit of means.**
- 4. Each of the sureties shall provide verifiable means of identification and a place of abode.**
- 5. Matter adjourned to 20th June, 2023 for hearing.**

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Hon. Justice. A.I. Kutigi

Appearance:

- 1. Elizabeth Alabi for the Prosecution.**
- 2. Godwin Eche Adole, Esq., for the 1st and 2nd Defendants**
- 3. S.T. Sanni Esq., with Layi Ademokoya, Esq., for the 3rd and 4th Defendants.**
- 4. Timothy Adejoh, Esq., with G.E Ejekela Esq., for the 5th Defendant.**

