

**INSPECTOR GENERAL OF POLICE VS TOM DAVID**

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**+++++ IN THE ABUJA  
JUDICIAL DIVISION**

**HOLDEN AT ABUJA**

**BEFORE HIS LORDSHIP: HON. JUSTICE M. S. IDRIS**

**COURT: 28**

**Date:- 31<sup>ST</sup> MAY, 2022**

**FCT/HC/CR/661/2011**

**BETWEEN:**

**INSPECTOR GENERAL OF POLICE -----**

**COMPLAINANT**

**AND**

**TOM DAVID -----**

**DEFENDANT**

### **RULING**

The Applicant's Counsel filed the application for bail by way of motion on notice dated the 6<sup>th</sup> May, 2022 filed same day. The motion has a motion No. M/5216/2022 the application is brought pursuant to section 6(6) paragraph A & B and also section 35, 36(c) of the 1999 Constitution of the Federal Republic of Nigeria as amended and also equally pursuant to section 158, 162, 165 and 167 of the Administration of Criminal Justice Act, 2015 and

under the inherent jurisdiction of this Court. The purpose of the application is to admit the Applicant to bail on the face of the motion paper Counsel to the Applicant outline 8 grounds upon which this application is brought. Also in support of the application is a 33 paragraph affidavit deposed to by one Mr. Tom Kuma Jacob a biological brother of the Defendant, Counsel placed reliance on the same so also in compliance with the rules of this Court counsel also filed a written address same adopted same as their oral argument and urge the Court to grant this application.

In opposing the application Counsel to the Respondent filed a counter affidavit dated 11<sup>th</sup> May, 2022 and filed same day. And also filed a 17 paragraph affidavit deposed to by one Mr. Joshua Kantoma a litigation secretary as a clerk in the legal section of the FCIID Abuja. In line with the rules of this Court also Counsel filed a written address dated 11<sup>th</sup> May, 2022 and filed same day. Counsel urge the Court to refuse the application in reply on point of law Counsel to the Applicant relied on section 36(1) of the 1999 Constitution as amended. I have looked at the two affidavits in support and the one against in this case the counter affidavit.

I am strongly of the view that issue of bail is entirely the discretion of the Court such discretion must be exercise judicially

and judiciously. The Constitutional provision of the land which expressly stated that an accused person is presumed innocent until the contrary is proved this is law of the land. In paragraph 14 of the Respondent, that the complainant is ready to prosecute the case expeditiously as all the exhibits and witnesses are ready for the trial' made me to temporally refused bail. This is in the spirit of justice and fair play. However if the prosecution failed to start prosecuting this case from today when the ruling is delivered I would not hesitate to reconsider the application for bail brought by the Applicant.

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**HON. JUSTICE M.S IDRIS**  
**(Presiding Judge)**

## **APPEARANCE**

Defendant:- Court

N.D Eleodimuo:- For the prosecution.

Ifeanyi Chukwu---:- For the Defendant.