



practitioner in the law firm of Dove Solicitors and an undated written address dated 10/02/2020 but filed on 17/02/2020. A lone issue for determination was formulated as follows: ***"Whether the applicants has placed enough facts before this court as to entitle them to the reliefs sought?"***

The Complainant/Respondent did not file any process in response.

On 01/12/2020 John Onuche Esq. of Counsel to the Applicants argued the application and urged me to admit the Applicants to bail. The summary of his argument is that the Defendants/Applicants, being citizens of the Federal Republic of Nigeria in favour of whom the presumption of innocence under Section 36(5) of the 1999 Constitution (as amended) enures, are ordinarily entitled to bail on liberal terms and that bail is a constitutional right. Learned Counsel further submitted that bail is necessary to allow the Defendants/Applicants adequate time and facilities to source material for their defence at the commencement of trial.

I have carefully considered the arguments of Learned Counsel for the Defendants/Applicants. I must first observe that the Defendants/Applicants have filed a joint bail application. Notwithstanding this joint application, I am of the view that the Defendants were required to file separate affidavits to give reasons why each of them should be granted bail in his own right. Without such affidavits, this Court is unable to come to a decision as to the entitlement of each of the Defendants to bail. The Defendants

however opted to file a joint affidavit. I hold that for this reason the application as presently constituted is incompetent.

Assuming I am wrong, I will now turn to the merits of the application. The Defendants/Applicants were charged under Section 6(b) of the Robbery and Firearms (Special Provision) Act which stipulates a minimum penalty of imprisonment for 21 years. By the provisions of S. 162 of ACJA a defendant charged with an offence carrying a punishment of more than 3 years must satisfy the court that he will not commit another offence, influence the investigation, attempt to conceal evidence, prejudice the proper investigation of the case or otherwise undermine the criminal justice system.

I have read through the affidavit evidence in support of the application. The Defendants/Applicants have not placed sufficient facts and materials before the Court to justify the application for bail, in view of the requirements of S. 162 of ACJA. In the light of the very weighty charge against the Defendants/Applicants, they have failed to make out a case in this application to demonstrate that they are entitled to the grant of bail.

In the circumstances, from the totality of the case before me, I hold that the Defendants/Applicants have failed woefully to show any circumstance that may warrant the grant of the instant application. I hold that the Defendants/Applicants have failed to prove their entitlement to bail.

The application of the Defendants/Applicants therefore fails in its entirety and is hereby dismissed. Bail is accordingly denied.

I have already adjourned this matter to 03/02/2021. The matter therefore stands so adjourned.

**APPEARANCE**

John Onuche Esq. for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> defendants.

Sign  
Hon. Judge  
05/03/2021