

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABAKALIKI JUDICIAL DIVISION
HOLDEN AT ABAKALIKI
ON FRIDAY 10TH DAY OF FEBRUARY, 2017
BEFORE HIS LORDSHIP
HON JUSTICE M. L. ABUBAKAR
(JUDGE)**

SUIT NO. FHC/AI/36C/2016

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ::: ::: COMPLAINANT

AND

1. UGWU IFEANYI 2. OKEREKE MICHAEL 3. ENEH CHIMOBI 4. ONYEBUCHI IBE	}	DEFENDANTS
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APPEARANCES

Defendant present

L. N. Akam (Mrs.) -	Prosecution
O. Okorie -	2 nd Defendant
Uchenna Emeh -	3 rd Defendant

With E. A. Awoke Esq.

JUDGE
FEDERAL HIGH COURT
ABAKALIKI

RULING ON APPLICATIONS FOR BAIL

The Defendant stand charge of conspiracy and tempering with armoured cable, property of the Ministry of Power Ebonyi State contrary to and punishable under section 516 of the criminal code CAP 77, laws of the Federation, 2004 and section 1(9) of the miscellaneous offences Act, CAP M-17 laws of the Federation.

The Defendants counsel filed 4 (four) different applications for bail in respect of the Defendants under sections 35 and 36(5) of the Constitution and sections 158 and 162 of the Administration of criminal justice ACT 2015 as follows:-

- (1) O. Okorie Esq. filed an application in respect of the second Defendant on 9/2/2017 together with a 16 paragraphs Affidavit and a written address.
- (2) C.A. Aiyamekhue Esq., filed two (2) different applications on 3/2/2017 in respect of the 1st and 4th Defendants together with their Affidavit and written addresses.
- (3) E. A. Awoke Esq., also filed another application in respect of the 3rd Defendant on 8/2/17 together with a 17 paragraphs Affidavit and written address.

In reaction, the prosecution did not oppose the application but leave it to the discretion of the court to grant the application or not.

Those are the submission of counsel to both Defendants and the prosecution. The issue for determination is whether these applications have merit or not. It is trite law that this type of applications pending trial are granted at the discretion of the court but that discretion must be exercised judicially and judiciously.

I have carefully considered the applications, the records of this court and the surrounding circumstances of the case and found as follows:-

- (1) Similar application were filed, last year, on behalf of the defendants by their counsels.
- (2) The said applications were heard on 8/11/16 and rulings delivered on 3/12/2016.
- (3) In the said rulings the applications were refused and order for accelerated hearing was made by this court.
- (4) There is no order setting aside the said ruling by either this court or court of Appeal.
- (5) By filing this new application for bail, this court is being invited to set aside its earlier rulings or to sit on appeal on the said rulings.

In view of the above findings, these applications are hereby refused. The order of this court for accelerated hearing is hereby re-affirmed. This is my decision. The return date is 21/2/17 for hearing.

JUDGE
FEDERAL HIGH COURT
ABAKALIKI



M. L. ABUBAKAR
JUDGE
10/2/17