

BAIL APPLICATIONS AND PRE-TRIAL DETENTION IN VIEW OF
THE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015 AND LAWS:

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BEING A PAPER PRESENTED AT THE INDUCTION COURSE
FOR NEWLY APPOINTED JUDGES OF THE LOWER COURTS
(MAGISTRATES, JUDGES OF THE SHARIA, AREA AND CUSTOMARY COURTS)

ON 20th-24th MAY 2024

ORGANIZED BY THE NATIONAL JUDICIAL INSTITUTE,
ABUJA.

WEDNESDAY 23rd MAY, 2024

BAIL APPLICATIONS AND PRE-TRIAL DETENTION IN VIEW OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015 AND LAWS:

Protocol:-

May I start by appreciating the head of our Nations judiciary the Honorable Chief Justice of Nigeria Justice Olukayode Ariwoola Chief Justice of the federation and Chairman of the board of Governors of the National Judicial Institute Abuja, for ensuring legal education and upgrades continue incessantly under his watch. We live in a dynamic world where to become relevant one needs to learn unlearn and relearn. Kudos to my Lords. . I am excited delighted humbled and grateful to the indefatigable Administrator of the National Judicial Institute, Hon. Justice Salisu Garba Abdullahi for nominating me to serve as a Resource Person at this workshop in which the target audience are my constituency, my brethren; Judges of the lower courts.

I would not be standing here without the support and blessings of the Kaduna state judiciary ably led by my Lord, the Chief Judge of Kaduna State and Chairman Kaduna state judicial service commission Hon. Justice M.T.M. Aliyu a leader that is the epitome of learning and practice, i thank my Lord for granting me the permission to be here and share my thoughts with you on the topic which I believe is essential to each of us on a daily basis at our courts.

The NJI family,

The secretary of the institute, The Director of studies and colleagues, the management.....

I always leave the National Judicial Institute Abuja in awe of how you do what you do here with such efficiency and great impact. Thank you for having not only me but all of us gathered here.

Distinguished members of the judiciary, esteemed colleagues, newly appointed judges of the lower courts present here today congratulations on your nomination from your various state judiciaries.

May I state once again that I am honored to have the opportunity to interact with you on the vital topic of bail applications and pretrial detention under the Administration of criminal justice Act 2015 and laws.

INTRODUCTION

Repositioning the courts for better justice delivery is a critical task that requires a deep understanding and effective utilization of legal provisions related to bail applications and pretrial detention. The bail system and pretrial detention play a crucial role in ensuring access to justice, preserving the rights of the accused and maintaining public confidence in the judiciary. Permit me at this juncture to highlight the keywords of this treatise.

BAIL

Bail is defined by the Merriam-Webster dictionary as, "the temporary release of a prisoner in exchange for security".

The Collins dictionary defines Bail as, "a sum of money by which a person is bound to take responsibility for the appearance in court of another person".

"A bail application is a written request made to a court by an accused person or their legal representative seeking release from custody pending trial or other legal proceedings". - www.vakilsearch.com

Action for justice, Nigeria- www.nigeria.action4justice.org says, "to apply for Bail The accused persons counsel can make an oral or written application upon arraignment before the court.

Section 32(3)ACJA 2015 states that an application for bail may be made orally or in writing .

PRETRIAL DETENTION

Pre-trial detention is defined in the ninth edition of the Black's law dictionary by Bryne A. Gardner at page 514 as holding of a defendant before trial on criminal charges either because the established bail could not be posted or because release was denied.

www.Fairtrial.org defines pretrial detention, also known as remand or preventative detention is when someone is detained by the state while they're waiting for a trial to determine whether they are innocent or guilty of a crime. Statistics show that about 30% of the prison population worldwide is made up of pretrial detainees according to penal reform.org as at 2nd April 2024 prison policy initiative at www.prisonpolicy.org stated that more than 400,000 people in the United States are currently being detained pre-trial .

The USA has about 1.23 million prisoners as at 2022.

Kaduna state prison built in 1915 for 547 inmates as at 11 April 2024 has 1829 inmates with 1433 awaiting trial.

The inmate population, according to the latest summary on the Nigerian Correctional Service website, is 78,629 out of which convicted inmates are 23,896 and awaiting trial inmates, 53,706.

According to the 2024 budget, NCoS is to spend N24,447,582,237 on the supply of catering materials and foodstuffs. Punch newspaper 9 Mar 2024.

Remember each prisoner used to be fed on N750 daily and the prison dogs N800.

RELEVANCE OF BAIL APPLICATIONS

Bail is a fundamental legal right that ensures the presumption of innocence until proven guilty. It allows individuals accused of crimes to be released from custody pending trial, minimizing unnecessary pretrial detention and upholding the principle of justice. Bail applications serve as a mechanism to balance, the interests of justice, the rights of the accused, and the protection of society.

What are the key provisions of the Administration of criminal justice Act 2015 as they relate to bail and pre-trial detention?

The Administration of criminal justice Act 2015 revolutionized the criminal justice system in Nigeria, by introducing innovative provisions aimed at expediting trials, enhancing Transparency and protecting the rights of all parties involved. When it comes to bail applications and pretrial detention, the Act has set clear guidelines to guide judicial officers in making informed decisions.

Illustration 1.

Mr. A is suspected of committing a crime, or has committed a crime he can be arrested or summoned .Where there is reasonable cause too he may be detained. Creating the need for his bail to be sought based on Mr. As constitutional rights as entrenched in the constitution of the Federal Republic of Nigeria, with recourse to the ACJA in the FCT and Federal courts and the ACJL of our different states and other procedural Laws as enacted by the various states. For the grant of Bail the ACJA and ACJLs lay out factors a court considers when deciding on a bail application.

The ACJA 2015 has 495 sections and is divided in to 49 parts for the criminal justice of the F.C.T and other Federal courts in Nigeria. Unifying the Federal criminal justice system and repealing the Criminal procedure act of the south and the Criminal procedure codes of the north our various states have domesticated the Act in to state laws. Most of the laws are not new in our various jurisdictions. I address both subjects as they relate to practice and procedure in the lower courts.

REMAND PROCEEDINGS

Black Law Dictionary defined pre-trial detention as follows:- “The holding of a defendant before trial on criminal charges either because the established bail could not be posted or because release was denied.”

Pre-trial detention is otherwise referred to as temporary detention. This is necessary in view of the fact that in criminal justice response to crime begins when a crime is reported to the police or when the police themselves discover that a crime has been committed. The police in Nigeria

often proceed to make arrests based on complainant's statements before commencing their investigation. In addition, the lower courts remand these suspects in the correctional centres pending conclusion of investigation and possible arraignment before the appropriate court, usually High Courts.

The rationale behind the detention is to prevent him from interfering with investigation if any or obstructing the course of justice.

WHY PRE TRIAL DETENTION?

Section 35(1) Constitution of the Federal Republic of Nigeria 1999 as amended ;every person is entitled to his personal liberty. However, this right is curtailed by the imperatives of crime prevention, participation and perhaps punishment if found guilty. This right is restricted inter alia for the purpose of bringing a defendant before a court in execution of the court order or upon reasonable suspicion of his having committed a criminal offence or to such extent that is reasonably necessary to prevent his committing a criminal offence. A situation under which the right to personal liberty may be deprived.

Legal Framework on Pre-Trial Detention

Section 293 ACJA 2015 aka the Act provide the procedure for obtaining a pre-trial detention order. For the sake of clarity however, Section 293 is here under reproduced thus:-

(1)A suspect arrested for an offence which a court has no jurisdiction to try shall within a reasonable time of arrest be brought before a Magistrate for remand.

An application for remand under this section shall be made Exparte and shall (a) be made in the prescribed "Report Request for Remand Form" as contained in Form 8 in the First Schedule to this Act, and

(b) be verified on oath and contain reasons for the remand request.

Thus, where the court after examining the reason for the arrest and for the request for remand in accordance with the provision of Section 293 of the Act is satisfied that there is probable cause to remand the suspect pending the receipt of a copy of the legal advice from the Attorney General and subsequent arraignment of the suspect before the appropriate court as the case may be, may remand the suspect in custody. (6)

In considering whether "probable cause" has been established for the remand of a suspect pursuant to Section 294 , the court may take into consideration the following:

The nature and seriousness of the alleged offence.

Reasonable grounds to suspect that the suspect has been involved in the commission of the alleged offence

(c) Reasonable grounds for believing that the suspect may abscond or commit further offences where he is not committed to custody and

(d) Any other circumstances that justifies the request for

6. Section 294 (1) ACJA, 2015.

However, it is sadly noted in practice that many of the law enforcement agencies would merely not file a detail affidavit as to why or the necessity a suspect should be detained, but only to file a remand warrant and present same to the Judges of the lower courts to append their signatures without necessary complying with the stipulated provision of Section 294 (2) ACJA 2015.

This opens us to problems lets learn to insist and remain firm that compliance must be made to that effect.

TIME FACTORS AND PRE-TRIAL DETENTION

Section 295 (1) ACJA 2015 provides:

“The court may in considering an application or remand brought under Section 293 of this Act grant bail to the suspect brought before it taking into consideration the provision of Sections 158 to 188 of this Act relating to bail.”

It follows therefore that the court could admit the suspect to bail in the event the suspect appears over an offence the lower court has jurisdiction to try. Where an order of remand of the suspect is made pursuant to Section 293 of this Act, the order shall be for a period not exceeding 14 days in the first instance and the case shall be returnable within the same period. Meanwhile, Section 296 (2) ACJA (7) provides in very clear terms, thus:

(2)Where an application in writing, good cause is shown why there should be an extension of the remand period, the court may make an order for further remand of the suspect for a period not exceeding 14 days and make the proceedings returnable within the same period

(3)Where the suspect is still in custody on remand at the expiration of the period provided for under Subsection (1) and (2) of this Section, the court may on application of the suspect grant bail in accordance with the provisions of Section 158 to 188 of this Act.

(4)At the expiration of the remand order made pursuant to Subsection (1) or (2) and where the suspect is still remanded with his trial having not commenced or charge having been filed at the relevant court having jurisdiction, the court shall issue a hearing notice on:

(a) The Inspector General of Police and the Attorney General of the Federation

(b) The Commissioner of Police of the State or of the Federal Capital Territory or the Attorney General of the Federation as the case may be.

(c)any relevant authority in whose custody the suspect is or at whose instances the suspect is remanded and adjourn the matter within a period not exceeding 14 days of the expiration of the period of remand order made under Subsection (1) or (2) of this Section to inquire as to the position of the case and for the Inspector General of Police or the Commissioner of Police and the Attorney General of the Federation to show good cause pursuant to Subsection (4) of this Section and make a request to that effect, the court;

(a)may extend the remand of the suspect for a final period not exceeding 14 days for the suspect to be arraigned for trial before an appropriate court or tribunal and

(b)shall make the case returnable within the said period of 14 days from the date the hearing notice was issued pursuant to

Subsection (4) of this Section.

6.Where good cause is not shown for the continued remand of the suspect pursuant to Subsection (4) of this Section or where the suspect is still on remand custody after the expiration of the extended period under Subsection (5) the court shall, with or without an application to that effect, forthwith discharge the suspect and the suspect shall be immediately released from custody.

7.No further application for remand shall be entertained after the proceeding in Subsection (6) of this Section.

Notice the fact that Section 296(6) has brought a radical reform in the Administration of Criminal Justice System in Nigeria, but the question is how practicable that Section is taking into consideration the predicaments of the Judges of the Lower Court?

This is because Section 161(1) ACJA 2015 which provides:

“A suspect arrested, detained or charged with an offence punishable with death shall only be admitted to bail by a Judge of the High Court under exceptional circumstances”.

We are then confronted with the challenges of striking a balance between the two (2) statutory provisions and also the constitutional presumption of innocence which by extension views incarceration as a form of punishment and the need to ensure that criminal offenders do not escape justice by being at large.

LEGAL SAFEGUARDS TO BE CONSIDERED IN PRE TRIAL DETENTION.

As Judges of the Lower Courts, it should be kept in mind that in our legal system, withholding charge is prohibited and remain unknown. In *Alhaji Toyin Jimoh vs COP*. It was held that holding charge is unknown to Nigerian Law and the accused person detained thereunder is entitled to be released on bail within a reasonable time before trial.

According to Black Law Dictionary

“Holding charge means a criminal charge of some minor offences filed to keep the accused in custody while

Prosecutions take time to build a bigger case and prepare more serious charge.”

The practice of holding charge

Holding charge is a practice whereby a suspect undergoing investigation is taken to a Magistrate’s Court or any lower court under phoney or miniature charge by the police with the view to moving the court to order the remand of the suspect pending the conclusion of its investigation into the matter and on conclusion of investigation the suspect is formally arraigned under a proper charge before the court with jurisdiction while the phoney or miniature charge with which the suspect has been remanded is withdrawn.

This is a tactic by the police to shield themselves against the possible negative outcome that may arise of holding a suspect in its custody beyond the time allowed under the constitution which provides that a person arrested or in police custody must be taken to a court of competent jurisdiction within one day if the court is within a radius of 40 kilometres to the place of arrest or detention or within two days or such longer period as the court may consider reasonable if the distance is more than 40 kilometres.

Here i reiterate the concept of Bail

According to Black Law Dictionary Eight Edition, Bail is defined as

“A security such as cash or bond, especially required by a court for the release of a prisoner who must appear at a future time.”

Mohammed J.C.A gave a very comprehensive definition of bail in *Ojo vs. Federal Republic of Nigeria*. In his words:

“Bail is the freeing or setting at liberty one arrested or imprisoned, upon others becoming sureties by recognizance for his appearance at a day and place certainly assigned; he also entering into self-cognizance. The accused/convict is delivered into the hands of sureties and is accounted by law to be in their custody, though they may free themselves from further responsibility if they surrender him to the court before the date assigned.”

Similarly, the International Covenant on Civil and Political Right provides that it shall not be the general rule that persons awaiting trial shall be detained in custody, but that their release may be subject to guarantees to appear for trial.

In fact, under Nigerian Law, bail is a right of an accused person, which is not usually denied except where the offence is capital in nature and special circumstances genuinely exist. Under Section 161(1) ACJA 2015, the said right to bail can be deciphered from the wordings of the constitution in Section 35(4) 1999. I implore you my brethren judges of the lower court who are most confronted with the issue of bail to do the needful as soon as the stipulated conditions are met with.

BAIL BY THE POLICE:

Section 27 of the Police Act provides as follows:

“When a person is arrested without a warrant, he shall be taken before a Magistrate who has jurisdiction with respect to the offence with which he is charged or is empowered to deal with him under Section 484 of the Criminal Procedure Act as soon as practicable after he is taken into custody.

Provided that any police officer for the time being in charge of a police station may inquire into the case and –

(a) Except when the case appears to such officer to be of a serious nature, may release such person upon his entering into a recognizance with or without sureties, for Reasonable amount to appear before a Magistrate at the day, time and place mentioned in the cognizance; or

(b) If it appears to such officer that such inquiry cannot be completed forthwith, may release such person on his entering into a recognizance with or without sureties for a reasonable amount to appear at such police station and at such times as are named in the recognizance, unless he previously receives notice in writing from the superior police officer in charge of that police station that his attendance is not required and any such bond may be entered as if it were a recognizance conditional for the appearance of the said person before a Magistrate.

The summation of all these provisions is that whenever the police arrest or detain a person in connection with an allegation or a reasonable suspicion of a crime, and is actively pursuing investigation of the matter, their duty is to offer bail to the suspect. They are also enjoined to take them to court of law within 1 or 2 days as the case may be.

However, what is obtained in practice e.g. when the crime is minor and the suspect is influential or has ties to the community; the police usually release the suspect on his or her own recognizance. Even after the person had been granted bail by the court, the police according to procedure may retain the person until the condition for bail is fulfilled by that person.

lets try to close the doors of unnecessary double jeopardy in the release of suspects by putting them through extortion at the hands of court staff and sending them back to the police whether prosecutor in court or the DPO.

CONTINUING BAIL

In accordance with the provisions made by the enabling law or other statutes which create the offence or offences charged or alleged against a defendant, a trial court may admit to bail any person to be tried before it, while he is awaiting trial or during his trial.

Meanwhile, the power of a court to admit defendant to bail depends on the court before which the defendant is being charged and the nature of the offence or allegation made against him. Perhaps the ultimate objective of this process is to grant pre-trial freedom to a defendant whose appearance in court can be compelled by a financial sanction in form of money i.e. Bail sum or bond. The said freedom is temporary in nature as it only last for the period of the trial and depending on the outcome of the trial i.e. either conviction or acquittal. Bail application in the lower court are usually made by the defendant if aware some are not aware of the right to even apply unless the judge states it while reading the complaint.

It is desirable that in any application for bail in the court, the decision as to whether to grant or otherwise depends entirely at the discretion of the Judge i.e. the power or right conferred upon him by law of acting in certain circumstances according to the dictate of his judgment or conscience of others. In court, his discretion means the secret power inherent in him to decide cases one way or the other judicially and judiciously to arrive at a just decision which is based on the overall interest of justice—See *Bamaiyi vs. State*(14) (2001) FWLR (pt. 16) 756.

One of the most troubling scenarios we face by daily rote is that many litigants file their cases before the court particularly Direct Criminal Complaints in order to mischievously influence the decision of the court to remand their adverse parties for a reason best known to them. We should always be guided by our oath of office and adhere to our code of conduct for judicial officers.

WHAT ARE THE CONDITIONS OF BAIL PENDING TRIAL?

When a bail application is made and the court has heard the submissions of both parties, it is now the duty of the court to go through the materials placed before it to determine which way it is going to exercise its discretion. Several conditions or factors are considered by the lower court Judges which include:

The nature of the offence or the charge

The gravity of the punishment prescribed by law

The previous record of the defendant

The probability that the defendant may or may not present himself for trial

The likelihood of the defendant committing other offence(s)

Whether there is a high prevalence of the offence within the community

Whether the defendant has reasonable sureties to take him on bail

The health status of a defendant –

Here, experience has shown that many of the suspects brought to court for arraignment by the security agencies may be victims of human rights violation. Some of these suspects may have sustained serious bodily injuries or as a result of over staying in police detention have contracted one ailment or another to the extent that even if an order of remand in accordance with Section 161(1) ACJA is made, the correctional service do send them back to the court.

These factors are not exhaustive in practice but provide some guiding principle to be considered. See Section 162 ACJA.

In the case of *Bamaiyi VS. State*(15) Uwaifo, JSC observed

“The bail ability of an accused person depends largely upon the weight a Judge attached to one or several of the criteria open to him in any given case. The

Determination of criteria is very important because liberty of the individual stands and falls by the decision of a Judge. In performing the function, a Judge wields discretionary powers which like other discretionary powers must be exercised judiciously and judicially. In exercising the discretion, a Judge is bound to examine the evidence before him without considering

extraneous matters” See also *DOKUBO ASARI vs. FRN*

BAIL BOND CONDITIONS

The constitution does not make explicit provisions on the quantum of bail bond required for bail. However Section 162 ACJA 2015 provides that a defendant charged with an offence punishable with imprisonment for a term exceeding three years shall on application to the court be released on bail except in any of the following circumstances:

- (a) Where there is a reasonable ground to believe that the defendant will, where released on bail, commit another offence;
- (b) Attempt to evade his trial;
- (c) Attempt to influence, interfere with, intimidate witnesses and interfere in the investigation of the case;
- (d) Attempt to conceal or destroy evidence;
- (e) Prejudice the proper investigation of the offence; or
- (f) Undermine or jeopardize the objectives or the purpose or the functioning of the criminal justice administration, including the bail system.

Lets be guided by the fact that except in capital offences under Section 161 ACJA, the defendant shall be entitled to bail unless the court sees reason to the contrary.

— See *FRN vs. Maishanu & Ors*

— *Bamaiyi vs. State & Ors* (Supra).

A defendant admitted to bail may be required to produce surety (ies) as in the opinion of the court admitting him to bail, will be sufficient to ensure his appearance as and when required and shall with him or them enter into recognizance may also be granted depending on the circumstance of the case at hand, upon entering a bond of a fixed amount of money which he may forfeit if he fails to turn up on a given date—Section 167 ACJA 2015

— See *Shoneye vs. State*

It is imperative to say that courts are enjoined to approach the matter of bail liberally as stated earlier, and interpret the constitutional rights we all enjoy.

Though the court in determining the bail terms will consider the seriousness of the offence as alleged by the prosecution, Judges are urged to be cautious with some cases especially those involving money. For many of such cases are civil in nature without any colorings of criminal justice.

The courts should not be seen as denying the defendants their rights because where the defendant cannot meet the bail terms, the court has basically denied them bail. Sometimes we give with our right hand and hold back with our left, some conditions are so stringent and reprehensible rendering the constitutional right to bail a mockery.

Lower court judges must maintain control over their courts, particularly following the granting of bail to a defendant. This is essential due to concerning behaviors from prosecutors and court staff. It's not uncommon for a judge, while awaiting sureties for an interview, to suddenly receive a report claiming the defendant hasn't met bail conditions, often due to the failure to secure sureties or attempts to profit from the situation.

Who qualifies as a surety? It is the responsibility of a defendant granted bail to arrange for suitable sureties who will vouch for them in court. These sureties, based on the required number, must undergo an interview with the judge, with the presence of the Court Registrar, Court Clerk, and legal counsel. Before the interview, sureties must complete a "Bail Bond" document, outlining specific qualifications:-

(a) Financial resources of the surety

(b) His proximity to the defendant. That is the surety's kinship, residential address etc. must be clearly defined.

(c) The social status of the surety in his community—his place of work/business etc. must also be stated.

(d) He must also be a man of integrity.

It's important to emphasize that a surety can be of any gender without discrimination. Section 167(3) of the ACJA 2015 explicitly states: "No person shall be denied or restricted from entering into recognizance or standing as surety or providing any security on the grounds of gender."

DO SURETIES HAVE TO BE FAMILIAR?

The answer is....

A bail bond agent, also known as a bondsman, can be an individual or a corporation that acts as a surety, offering money or property as bail for a defendant's court appearance. This system allows a person to pay a percentage of the bail amount to a professional bondsman, who then guarantees the defendant's appearance in court by putting up the required cash.

Bondsmen typically have a contractual agreement with local courts, providing an irrevocable 'blanket' bond that covers any defendant they are responsible for. This arrangement often involves an insurance company, bank, or another credit provider, enabling the bondsman to access funds even outside of regular banking hours. This setup eliminates the need for the bondsman to deposit cash or property each time they bail out a new defendant.

Implementing this practice across the entire criminal justice system in the country would benefit defendants who might otherwise remain in detention due to an inability to meet bail conditions, allowing them to secure their bail and regain freedom. It would also help eliminate the problem of 'Charge and Bail' scenarios.

Regarding the procedure for forfeiting a bail bond, it's crucial to follow the guidelines outlined in Section 179 of the ACJA 2015 in cases where a defendant jumps bail. The court must be satisfied with proof of forfeiture and may call upon the responsible party to pay the penalty or provide a valid reason for non-payment.

CHALLENGES IN BAIL APPLICATIONS AND PRE-TRIAL DETENTION:

Despite the progressive legal framework provided by the Administration of Criminal Justice Act 2015, challenges persist in the effective implementation of bail applications and pre-trial detention. Issues such as the abuse of discretionary powers by judicial officers, delays in the adjudication of bail applications, and lack of awareness among legal practitioners and law enforcement agencies hinder the efficient administration of justice. Practical provisions for children and juvenile offenders. People living with disabilities, terminally ill suspects.

RECOMMENDATIONS :

To reposition the courts for better justice delivery concerning bail applications and pre-trial detention, the following recommendations are proposed:

Enhanced Training and Capacity Building: Continuous training programs should be provided to judicial officers and legal practitioners on the provisions of the Administration of Criminal Justice Act 2015 regarding bail applications and pre-trial detention.

Improved Case Management: Courts should prioritize the timely adjudication of bail applications to prevent unnecessary delays in the trial process and reduce the backlog of cases.

Transparency and Accountability: Judicial officers should exercise their discretionary powers judiciously and transparently, ensuring that bail decisions are based on legal principles, fairness, and the facts of each case.

Public Awareness Campaigns: Public education campaigns should be conducted to raise awareness among the general public, legal practitioners, and law enforcement agencies about the importance of bail applications, pre-trial detention, and the rights of the accused.

CONCLUSION

Repositioning the courts for better justice delivery requires a proactive approach to address the challenges related to bail applications and pre-trial detention. By upholding the principles of fairness, transparency, and respect for the rule of law, we can ensure that the administration of criminal justice is effective, efficient, and serves the interests of justice for all.

The right to bail is crucial for ensuring that every person accused of a crime has the necessary time and resources to prepare their defense adequately. Denial of bail significantly hampers this preparation, directly impacting the fairness of the legal process.

Pre-trial detention serves the vital purpose of preventing investigative bodies from unjustly infringing on suspects' rights during detention. However, there have been instances of misuse and abuse within this system.

Addressing the congestion in Nigeria's correctional facilities and lower courts, it's imperative to repeal statutes that grant lower courts jurisdiction beyond their scope. Courts lacking jurisdiction render their proceedings, including remanding inmates, null and void.

The constitutional requirement for suspects to be arraigned within 24 hours shouldn't lead to arraignment before incompetent courts. Legislative bodies must act to align our legal framework with international standards, directing suspects to relevant High Courts upon arrest. Legislative amendments, particularly to the Police Act, should facilitate seamless cooperation between law enforcement and legal authorities, expediting case reviews and suspects' arraignments before appropriate courts.

Lower court judges should prioritize alternatives to imprisonment, especially when within their jurisdiction, and ensure that any necessary imprisonment is humane and respects human dignity, guided by our oath of office.

Sample illustration

IN THE CHIEF MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA

CASE NO: HC/ABJ/CR/XXXX/2024

BETWEEN:

THE FEDERAL REPUBLIC OF NIGERIA

AND

[ACCUSED PERSON'S NAME]

BAIL RULING

The above-named accused person, [Accused Person's Name], appeared before this honorable court on [Date], charged with [Charges Against Accused Person] under the provisions of the Administration of Criminal Justice Act 2015.

After carefully considering the application for bail made by the defense counsel and the submissions presented, as well as the provisions of the Administration of Criminal Justice Act 2015, this court makes the following findings and rulings regarding bail:

1. Nature of the Offense:

The offense with which the accused person is charged, [Brief Description of the Offense], is categorized as a [Non-Capital/Capital] offense under the law.

2. Presumption of Innocence:

The accused person enjoys the presumption of innocence as enshrined in Section 36(5) of the Constitution of the Federal Republic of Nigeria and further affirmed in Section 35 of the Administration of Criminal Justice Act 2015.

3. Bail Application:

The defense counsel has submitted a bail application on behalf of the accused person, citing [Reasons for Bail Application such as Health Concerns, Ties to the Community, Cooperation with Investigations, etc.].

4. Opposition by Prosecution:

The prosecution has raised objections to the bail application based on [Grounds of Opposition such as Flight Risk, Public Safety Concerns, Severity of Offense, etc.].

5. Legal Considerations:

In accordance with Section 162 of the Administration of Criminal Justice Act 2015, this court has considered the nature of the offense, the strength of the prosecution's case, the accused person's ties to the community, and the likelihood of the accused person absconding.

6. Conditions of Bail:

Based on the above considerations and to ensure the proper administration of justice, the court grants bail to the accused person in the sum of [Bail Amount] with the following conditions:

- The accused person shall deposit his/her international passport with the court.
- The accused person shall provide two sureties who are reputable members of the society and must deposit [specified amount] each with the court.
- The accused person shall not interfere with witnesses or tamper with evidence.
- The accused person shall report to the [specified police station or court registry] every [frequency of reporting].

7. Next Court Date:

The matter is adjourned to [Next Court Date] for [Purpose of Adjournment such as Continuation of Trial, Further Directions, etc.].

Given at the Chief Magistrate Court of the Federal Capital Territory, Abuja, this [Date] day of [Month, Year].

[Judge's Signature]

Hon. Justice [Judge's Name]

Presiding Judge

This sample bail ruling incorporates the necessary ingredients and information required for bail under the Administration of Criminal Justice Act 2015, including legal considerations, conditions of bail, and procedural details.

Using this template we can enrich our rulings at the lower bench.

