

IN THE HIGH COURT OF LAGOS STATE  
IN THE IKEJA JUDICIAL DIVISION  
HOLDING AT COURT NO.10, SPECIAL OFFENCES COURT 1  
BEFORE HON. JUSTICE M.A. DADA (MRS.)  
TODAY MONDAY THE 20<sup>TH</sup> DAY OF JANUARY, 2020.

SUIT NO: ID/11090C/19

**BETWEEN:**

FEDERAL REPUBLIC OF NIGERIA } COMPLAINANT

**AND**

1. JEAN CODO }  
2. TPMS-TRANSPORT AND MANAGEMENT } DEFENDANTS  
SYSTEMS LTD }

**RULING**

This is another summons for the Bail of the Applicant dated 13/01/2020 after the refusal of an earlier one dated 16/12/19 due to the scant materials placed before the court. In the latest Application however, the facts and materials showing that the Applicant is not only involved in a civil Arbitration with the Nigerian Ports Authority, an Agency of the Complainant on the issues forming the basis of this case against him, but also that of his alleged health challenges by another Agency of the complainant, to wit, The Nigerian Correctional Service, through its Deputy Controller of Corrections have now been placed before the court. See **Exhibits JCI** and **NCS1** respectively. Paragraph 6 of the Affidavit in support relating to the facts in **Exhibits JCI** has not been countered by the Respondent in their Counter-Affidavit neither have they been able to fault **Exhibit NCS1** in spite of their investigation on same. Furthermore the fact that the Applicant had been attending the Complainant's office regularly from 2017 till date was not opposed by the Respondent. All these factors weigh heavily in favour of the Applicant.

It is trite that when an Applicant has placed some materials for the consideration of the court in an Application for bail. The onus moves to the doorsteps of the Prosecution to show cause why Bail should not be granted. See **Chinemelu Vs. Cop 1995, 4 NWLR, Pt 390, 467 @ 484.**

Where there is no evidence that the Defendant if granted bail will interfere with witnesses or that there is a serious risk of him escaping from justice by jumping bail, the court has a duty not to refuse bail in such circumstances.

I am persuaded particularly by paragraph 6 of the Affidavit in support and the supporting material in **Exhibit JCI** and the fact that the Defendant never

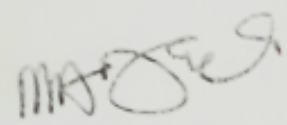
*M.A. Dada*

jumped Administrative Bail since 2017 and December 2019 when he was arraigned in this court that he cannot be said to be a flight risk.

The Application therefore succeeds. The Applicant is hereby admitted to Bail in the sum of ₦100 million and two (2) Sureties in like sum one of whom must be the owner of a built-up property in a choice area within the jurisdiction of this court and both must be resident and gainfully employed within jurisdiction with proofs of same. Both must depose to Affidavits of means and an undertaking to permit a lien to be placed on their Accounts to the limit herein imposed all subject to the verification by the Chief Registrar of this court.

The Applicant shall in addition surrender his International Passport to the custody of the Chief Registrar pending the final determination of this case.

I so hold.



HON. JUSTICE M.A. DADA (MRS.)  
JUDGE  
(20/01/2020).