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Our Ref .....

Your Ref: .....

5<sup>th</sup> August, 2025

The Director Magistrate, FCT,  
Wuse Zone 2,  
Abuja.

Dear Sir,

*Original Copy Collected  
by me  
THE HAKARA CHUR-UKA  
5/8/2025*

PETITION AGAINST THE OFFENSIVE, UNLAWFUL AND EXPLOITATIVE  
PRACTICES ON BAIL, PARTICULARLY SUBJECTING VERIFICATION OF  
SURETIES TO THE PROSECUTORS AS PRACTICED BY MAGISTRATE COURTS  
IN FCT: THE NEED FOR URGENT ADMINISTRATIVE DIRECTIVE HALTING  
THE PRACTICE

IN RE: CHARGE NO:/CR /DUT /686 /25: IGP v OWOUPELE ENEONEKUMOH

### Introduction:

We are Firm of Legal Practitioners and Solicitors based in Abuja. We are also passionate about good governance and proper administration at all levels and most particularly within the *judicature*. As Ministers in the Temple of Justice, who frequent all courts, and have carefully reviewed the state of affairs at the FCT Magistrate Courts, particularly the policy of the Courts on verification of addresses of sureties by the Prosecutors, and to draw your lordship's attention to them as our modest effort to preserve the dignity of the judiciary.

### Strange and Unlawful Policies on Bail in Magistrate Courts

#### Policy on Verification of Addresses of Sureties

The practice of the Magistrate Court in FCT is that whenever bail is granted to a defendant in criminal matters, the addresses of the sureties must be verified by

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**the Prosecution.** This practice or policy was drawn to our attention while processing the bail in Re: *Charge No:/CR /DUT /686 /25: IGP v Owoupele Eneonekumoh* before his worship, *Abdullahi Ahmed Ilelah*, which we will use as our reference point.

The Defendant was arrested since on the 6<sup>th</sup> of June, 2025. He was arraigned before the Court on 23<sup>rd</sup> of June, 2025 on alleged offences of criminal conspiracy and defamation of character, and has been at the Keffi Correction Centre due to repeated delays from the Court with respect to his bail.

### **Refusal to hear oral bail applications**

On the 23<sup>rd</sup> June, 2025 an attempt to move for the defendant's bail orally was refused by the Magistrate, who insisted that a formal motion be filed, while adjourning to 14<sup>th</sup> July, 2025. Consequently, a formal motion was filed on 26<sup>th</sup> June, 2026 and an application made to the Court for an earlier date. Sadly, the Court refused to give an earlier date, insisting parties return on the 14<sup>th</sup> of July, 2025. **We submit that the practice of refusing to entertain oral applications for bail does not accord with the spirit of fairness and substantial justice, especially in the light of the fact that Magistrate Courts are not Courts of record, but Courts of summary jurisdiction. The practice is rather punitive and negates the Constitutional presumption of innocence.**

### **Refusal to give Bench rulings/lengthy adjournments:**

On the 14<sup>th</sup> of July, 2025 after moving the motion for bail, the Court refused to give a bench ruling but rather adjourned to 24<sup>th</sup> of July, 2025. In other words, the Court adjourned for 10 days, just to rule on a motion for bail in a bail offence! We submit that this practice of Courts in adjourning matters for several days or weeks, just to deliver bail rulings defeats the letter and spirit of justice. It also erodes the true essence of establishing the Magistrate Courts as Courts of Summary Jurisdiction, which is to ensure speedy dispensation of justice.

The Ruling fixed for today 24<sup>th</sup> of July, 2025 suffered another setback as the Magistrate did not come with the file. The matter was therefore adjourned to the 31<sup>st</sup> of July 2025 for ruling on the bail.



### Stringent Bail Terms

Any epidemic bedeviling the Magistrate Courts is the stringent bail terms usually given. Some cases, they requirement of Level 16/17 Civil Servant, landed properties in Maitama/Asokoro, etc. Excessive bail term amounts to a subtle denial of bail. We submit that the conditions attached to bail must not be excessive or stringent. The Court of Appeal in the case of **ENGR. SUCCESS OBIOMA VS FRN (2005) 13 WRN 131 AT 168 LINES 30-40**, Mohammed JCA had this to say:

*"... It is against the spirit of law to impose excessive conditions for bail, it is akin to placing food before a hungry person but denying him the right to eat"*

The Court in the above case held further:

*"...Excessive means unreasonableness and it makes mockery of the grant of bail. It is an illusion rather than reality. It is the duty of every Appeal Court to reduce excessive bail conditions."*

### Forum Shopping and Filing FIR is Court at Distant locations

Another unhealthy practice is the clear act of forum shopping to a 'friendly Magistrate' and also filing of FIR at Magistrate Courts located in far distant places, instead of the Court closes to the police division. **We submit that all FIR should be filed in a central Registry and assigned by the Chief Magistrate to reduce this obvious act of forum shopping.**

### Policy on Verification of Addresses of Sureties

Upon grant of bail, it was perfected, however in the process, we were informed that the addresses of the sureties must be verified by the Prosecution. We immediately raised concern on the policy of subjecting the verification of the address of the sureties to the Prosecutor instead of the Court. Noting further that the same prosecutor who filed the First Information Report, who vehemently opposed the defendant's bail and derives joy in the defendant's incarceration, should not be accorded such sensitive task of verifying the addresses of the sureties, as he would not be fair.

Hence, we asked, what if the Prosecutor is indisposed?, or travelled, or is recalcitrant etc? No meaning answer was proffered by the Court Registrar, other than saying "counsel, what do you want me to da na, it is the Policy of the Court."

All attempts to get the Court to reconsider the Policy proved abortive. Hence on that day 31<sup>st</sup> July, 2025, we called the Prosecutor, A. S. Oyeyemi, Esq., who said



he travelled out of Abuja and that we be back for the verification on Monday 4<sup>th</sup> August.

On the said day, Monday 4<sup>th</sup> August, we called the Prosecutor who said he was not back, but that the 2<sup>nd</sup> prosecutor would be in the Court by the 2P.M. Our request that he sends the IPO's number was refused, in the most impolite and uncouth manner.

At 2P.M, we called the Prosecutor, who refused to pick nor returned calls till this moment. Hence, since 31<sup>st</sup> of July, when the defendant was admitted to bail, till date, he is yet to regain freedom due to this unjust practice of the Magistrate Courts.

We submit that this practice of directing Prosecutors to verify addresses of sureties is oppressive, unlawful, anti-justice, immoral, satanic, barbaric, and offends the principles of natural justice. More worrisome is the fact that Prosecutors are given too much power by the Courts.

It is even demeaning to the Courts as their order on bail is been subjected to the whims and caprices of the Prosecution. This should even be a matter of concerns to the magistrate Courts. But surprisingly, they seem to be unconcerned. We are also aware that this practice on verification by Prosecutors is highly exploitative and a 'money making venture' for the Prosecution, who frustrates and scuffle the process, if their financial demands are not met.

In the light of the above, we strongly urge that this Policy or Practice of subjecting verification of sureties to the same prosecutors be aborted. We are aware that in most High Courts and the Federal High Court, verification of address of sureties is done by the staff/officers of the Court; this is a nobler way to go about it.

#### **Conclusion/Prayer:**

We dare to say that the above issues raised in this petition if not addressed speedily, would continue to pose and cloaks in the wheel of justice in the Magistrate Courts. They also erode the sanctity of the Judiciary.

This petition is indeed an aggressive battle for the soul of the Magistrate Courts and destined to get those courts back on track, as they have veered off their lane as Courts of summary jurisdiction.

These improper and recurrent evil bedeviling the Magistrate Courts if not addressed immediately, we are afraid they may 'bleed the court to death'. In anticipation of your kind and positive response to this petition, please accept the assurances of our esteemed regards.


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Yours faithfully,

For: S. M. Oyeghe Legal

  
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Dr. S. M. Oyeghe, Esq.



Cc:

1. **The Chief Justice of Nigeria,**  
Supreme Court Complex,  
Three Arms Zone,  
Abuja.
2. **The President,**  
Nigerian Bar Association,  
NBA House,  
Central Business District,  
Abuja.