

A STUDY OF THE BONDSMEN SCHEME IN OGUN STATE AS A MODEL FOR DECONGESTING CORRECTIONAL FACILITIES IN NIGERIA

Ubose Olorunfemi*
Eguono Agada-Olorunfemi**
Chibueze Maduka***
James Odi****

ABSTRACT

One of the critical innovations of the Administration of Criminal Justice Act (and Laws of several states) is the provision for the licensing of bondsmen. A bondsman, also known as a bail bond agent or surety, is a third party who guarantees to a court that a defendant will appear in court to stand trial. Some of the challenges faced in bail administration in Nigeria include the absence of bondsmen who can stand for defendants when they are granted bail in court and the presence of fraudulent bondspersons who take defendants on bail and then disappear. To solve this problem, the Administration of Criminal Justice Act and the Administration of Criminal Justice Laws (at the state level) empower the Chief Judge of the FCT and states to register and license individuals and corporate persons to act as bondsmen. However, except for Ogun State, this particular provision in most states and the FCT is lying dormant and is yet to be operationalised. This article adopted a mixed approach of doctrinal and empirical methodology, relying on library-based materials, statutes, articles and interviews and argues that a properly regulated bondsmen system can be a viable alternative to cash bail, lead to the decongestion of correctional centres across the country and balance the need for the administration of justice with fundamental rights protections in the Nigerian criminal justice system. Key findings reveal that the Ogun State Bondsmen Scheme represents an innovative approach to improving access to justice, reducing pre-trial detention and decongesting correctional centres. This study recommends nationwide adoption of the Bondsmen scheme with necessary additions, stronger accountability and oversight mechanisms that protect indigent defendants. Other recommendations include creating State Bail Funds and conducting independent analysis of the Ogun State Bondsmen Scheme to ensure it promotes rather than restricts access to justice.

Keywords: *Bondsmen Scheme, Ogun State, Pretrial Detention, Correctional Centre Congestion, Decongestion, Bail System, Criminal Justice Reform, Nigeria.*

* Ubose Olorunfemi, LL.B, B.L, LL.M, Lecturer, Jurisprudence and International Law, University of Benin. Email: olorunfemi.ubose@uniben.edu.

** Eguono Agada-Olorunfemi, LL.B, B.L, Operations Manager, Restorative Justice for Africa. Email: Eguono.sophia@rejafrica.org.

*** Chibueze Maduka, LL.B, B.L Head of Legal, Restorative Justice for Africa. Email: chibueze@rejafrica.org.

**** James Odi, LLB, BL, Legal Officer, Restorative Justice for Africa. Email: James@rejafrica.org.

1. INTRODUCTION

From the earliest community-based guarantees to the most advanced commercial bail bond systems, the idea of bail and suretyship has undergone substantial modifications over the years. In the past, societies have searched for alternatives to indefinite incarceration and to guarantee that those who are granted bail return for trial.

The practice of suretyship, a precursor to the bondsmen system, was evident in various ancient legal codes. In Ancient Mesopotamia, the Code of Hammurabi (c. 1754 BC) recognised the principle of bail, permitting individuals to secure the release of the accused by pledging property or guarantees.¹ Similarly, in Ancient Rome, wealthy patrons or family members often provided financial assurances to secure an accused person's liberty, ensuring their appearance before legal authorities.²

1.1 Development of the Bail System in the United Kingdom

The Anglo-Saxon legal system in medieval England also embraced suretyship, where local community members acted as "frankpledges", taking collective responsibility for the accused's appearance in court.³ This communal responsibility system laid the foundation for later developments in the legal principles guiding bail.

The English legal system has played a vital role in shaping modern bail laws and regulations. Sheriffs were granted discretionary authority under medieval English criminal law to determine the bail bond and whether or not to imprison a person. This system encouraged corruption, such as giving bribes to obtain the release of suspects who were intended to be held without bail and wrongful detention by sheriffs seeking to extract money from detainees. In order to limit the discretionary power of sheriffs, normalise the bail and pre-trial release process, and offer protection against wrongful detention, the bail system underwent a number of reforms in the centuries that followed.⁴ The Statute of Westminster (1275) was a landmark piece of legislation that divided bailable and non-bailable offences, and gave judges the discretion to grant bail.⁵ The law created the early legal framework for the bail process which is to protect the defendant from prison breaks.

In the 17th and 18th centuries, there were professional bail agents in England who took people on bail for easy compensation. However, concerns about abuse and exorbitant fees

¹ Hammurabi, The Code of Hammurabi, c. 1754 BC, trans. L.W. King (Yale University Press, 1904) p.23

² Justinian, Corpus Juris Civilis, trans. S.P. Scott, The Civil Law, Vol. 1 (Cincinnati: Central Trust Co., 1932) p.154

³ Pollock, F. & Maitland, F., The History of English Law Before the Time of Edward I, Vol. 2 (Cambridge University Press, 1898) p.421.

⁴ Timothy R. Schnacke, Michael R. Jones, Claire M. B. Brooker, The History of Bail and Pretrial Release, Pretrial Justice Institute, <https://docslib.org/download/1599553/the-history-of-bail-and-pretrial-release> accessed 14 March 2023.

⁵ Baker, J.H., An Introduction to English Legal History, 4th ed. (Oxford University Press, 2002) p.179

have led to subsequent reforms aimed at regulating the industry. The 1976 UK Bail Act strongly enforces non-monetary bail bonds, which greatly reduces the capital of private guarantors to limit the use of bail officers to the English and French bodies.⁶

Whereas pre-colonial Nigerian societies had their own bail system which gave accused persons the opportunity to be free during trial, it was largely informal.⁷ The introduction of English law significantly altered the development of criminal procedure in Nigeria. The reception of English laws brought with it written criminal statutes, procedural rules and judicial precedents that subsequently shaped the Nigerian criminal justice system, which influenced how Nigeria subsequently operated its criminal procedures. This influence can be traced to the adoption of the common law system following British Colonial Administration from 1863⁸ through which English legislation and case law became part of Nigeria's legal framework, including the regulation and Administration of Bail.

1.2 Development of the Bail System in the United States

The modern commercial bail system in the United States was established in the late 19th century. The first private bail company was founded in 1898 by Peter and Thomas McDonough in San Francisco, California. Their company charged defendants fees to take them on bail, leading to the creation of the first organised model of commercial bail.⁹

Over time, the American bail industry became a multi-billion-dollar sector, and private sector bonds played a significant role in pre-trial release mechanisms. However, criticisms related to justice and exploitation led to periodic reforms, such as the Bail Reform Act of 1966, which encouraged the release of defendants on personal recognisance instead of financial status.¹⁰

2. THE ADMINISTRATION OF BAIL IN NIGERIA

Unlike in the UK and the US, where the bondsmen system primarily serves to prevent the indefinite incarceration of an accused person pending trial, an act that constitutes a breach of the accused person's fundamental rights¹¹ under international human rights law¹², the focus in Nigeria is somewhat different¹³. Although Sections 35 & 36 of the 1999 Constitution mandate that persons accused of criminal offences be tried within a reasonable time and not be

⁶Bail Act 1976, c.63 (UK).

⁷ Yancey, E. M, 'The Administration of Criminal Justice in the United States and the Federal Republic of Nigeria: A Comparison' (1987) 10(1) National Black Law Journal <scholarship.org>

⁸ History of Nigerian Criminal law <<https://www.learnnigerianlaw.com/learn/criminal-law/history>> accessed 3 September 2026

⁹ Schnacke (n 4) p.7

¹⁰ Bail Reform Act of 1966, Pub L No 89-465, 80 Stat 214 (USA) <https://uscode.house.gov/statutes/pl/89/465.pdf> accessed 11 March 2025.

¹¹ Universal Declaration of Human Rights 1948, art 9

¹² African Charter on Human and Peoples' Rights 1981, arts 6 and 7(1)(b)

¹³ International Covenant on Civil and Political Rights 1966, art 9(3)

deprived of their liberty except in accordance with the law¹⁴, the persistent congestion of Nigeria's correctional centres presents a more serious challenge. The situation not only undermines these constitutional provisions but also raises concerns regarding Nigeria's compliance with its own laws and international human rights standards.¹⁵

While the Administration of Criminal Justice Act (ACJA) 2015¹⁶ provides safeguards against prolonged detention, the primary focus of the bondsmen system in Nigeria is on decongesting the nation's correctional centres. This focus is particularly significant now because of the current level of overcrowding in Nigeria's correctional centres. As of June 2026, the official number of inmates stood at 81,902¹⁷ while the official custodial capacity of inmates stood at 65,035; thus, the current number of inmates exceeds the official capacity by approximately 26%¹⁸. This makes the decongestion of correctional centres a top priority of the Nigerian Correctional Service.¹⁹ to bring the present realities in conformity with the provisions of the Nigerian Correctional Service Act 2019. Despite the provisions of the ACJA guarding against prolonged and indefinite detention, many accused persons face prolonged pre-trial detention, which invariably leads to congestion of correctional centres in Nigeria.

Nigeria's correctional centres are facing a significant challenge in the criminal justice system; that is the issue of overcrowding. About 65.2% of inmates are pre-trial detainees,²⁰ many of whom are held for long periods due to delays in the judicial process²¹ or an inability to afford bail²². As a result, the correctional system is overburdened and struggling to maintain its essential functions.²³ This overcrowding not only undermines the principle of fair trial, but it also leads to inhumane living conditions for detainees and hampers the rehabilitation efforts that are essential for reducing recidivism.²⁴

¹⁴ Constitution of the Federal Republic of Nigeria 1999, s 35

¹⁵ Nigerian Correctional Service Act 2019, s 2

¹⁶ Administration of Criminal Justice Act 2015, ss 158 and 293

¹⁷ World Prison Brief <https://www.prisonstudies.org/country/nigeria?language_content_entity=en-gb> accessed 26 August 2026.

¹⁸ Ibid

¹⁹ <<https://guardian.ng/news/fg-orders-immediate-decongestion-of-correctional-centres/>> accessed 26 August 2026

²⁰ World Prison Brief<https://www.prisonstudies.org/country/nigeria?language_content_entity=en-gb> accessed 26 August 2026

²¹ Nwakanma, E. U., & Ogba-Amaugo, I. M. (2026). The Vicissitude of Awaiting Trial Prisoners in the Nigerian Criminal Justice System. *Direct Research Journal of Social Science and Educational Studies*, 14(2), pp.75-88 <https://doi.org/10.26765/DRJSES0158416215> accessed 26 August 2026

²² Jim Ochetenwu, 'CSOs decry large number of awaiting trial inmates in Nigerian prisons', *Daily Post Newspaper* September 20, 2024, <https://dailypost.ng/2024/09/20/csos-decry-large-number-of-awaiting-trial-inmates-in-nigerian-prisons/> accessed 19 February 2025

²³ Ibid

²⁴ Oyeyipo Eytayo J and 7 others, 'Prison overcrowding trend in Nigeria and policy implications on health', *Cogent Social Sciences*, 7:1 (2021) p.10 , 1956035, DOI: 10.1080/23311886.2021.1956035

2.1 The Application of Bail in The Nigerian Criminal Justice System

Bail is an integral part of our criminal justice system in Nigeria; it refers to the temporary release from custody of a person accused of an offence pending the conclusion of investigations or the conclusion of the case in court.²⁵ The principles governing the granting of bail are particularly important in criminal law jurisprudence because they are undergirded by two key constitutional provisions: Section 35 of the Nigerian Constitution²⁶ which provides that every person is entitled to his personal liberty and such liberty may only be deprived when certain conditions are in place²⁷. Similarly, section 36(5)²⁸ provides that every person who is charged with a criminal offence should be presumed innocent until proven guilty. This presumption of innocence reinforces the principle that for most offences where bail can be granted, the court should grant it.²⁹

Since the law is clear that bail is a constitutional right, the Courts are enjoined to grant it in most cases. However, in granting bail and determining its conditions, the judge is expected to exercise his discretionary powers judicially and judiciously³⁰. The judge must consider the facts of the case as laid out by both parties and, on that basis, determine whether or not bail should be granted. The bail conditions should not be difficult or burdensome and must be capable of being fulfilled by the accused person³¹ but this may vary depending on the nature of the case³².

Nevertheless, in recent times, there have been instances where bail conditions imposed are so stringent that they become difficult for the ordinary citizen to satisfy. Indigent defendants may find it difficult to fulfil the bail conditions either because they can't afford to secure a surety or their families are not within jurisdiction to take them on bail³³. The outgoing President of the Nigerian Bar Association, Afam Osigwe SAN, has decried the increasingly common trend of law enforcement agencies and the court imposing bail conditions that are unreasonable and extremely difficult to satisfy, including requirements for civil servants in high cadres or

²⁵ Okorie, O.S, 'Stringent Bail Conditions; An Impediment to the Administration of Criminal Justice System in Nigeria' (2025) 16(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, p. 106, <ajol.info>, accessed 18 August, 2026.

²⁶ Constitution of the Federal republic of Nigeria 1999(Fifth Alteration 2023) Section 35 '(1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law.'

²⁷ Ibid

²⁸ Constitution of the Federal republic of Nigeria 1999(Fifth Alteration 2023) Section 35

²⁹ *Ani v. State* (2002) 1 NWLR (Pt.747) 217;

³⁰ Kingsley Izimah 'Attitude of Nigerian Courts On Bail Application in Criminal Proceedings' <<https://www.mondaq.com/nigeria/crime/1431348/attitude-of-nigerian-courts-on-bail-application-in-criminal-proceedings>> accessed 26 August 2026

³¹ *Abacha v. State* (2002) 5 NWLR (Pt. 761) 638

³² *Omodara v. State* (2004) 1 NWLR (Pt.853) 83.

³³ Okorie (n25) p. 112

landed properties in choice areas³⁴. Such practices risk thus turning bail from a mechanism for securing an accused person's attendance at trial into a pathway to pretrial detention, thereby weakening an accused person's constitutional rights to liberty and presumption of innocence³⁵.

The Court of Appeal and Supreme Court have affirmed in the cases of *Suleman & Anor v. Commissioner of Police, Plateau State*³⁶ and *Dasuki v. Director-General, State Security Service & Ors*³⁷ that the purpose of granting bail pending trial is to secure the accused person's freedom while ensuring his attendance to stand trial for the offence he is accused of; it is not to create impossible hurdles that make fulfilling the bail conditions difficult³⁸. The practice of insisting on senior civil servants who are expected to own choice properties in luxurious areas of town and have access to substantial sums of money was consequently condemned by the court.³⁹

Beyond these judicial decisions, Section 165 of the Administration of Criminal Justice Act 2015 recognises the judicial discretion of the court to set bail terms and states that the bail terms should not be excessive. This demonstrates that the legal position, as reflected in both the laws and judicial decisions, is that bail conditions should be reasonably capable of being fulfilled by the accused person. However, this is not always the case in practice. There is therefore a need to examine the challenges affecting the administration of bail in Nigeria and consider innovative solutions that can address that gap.

The administration of bail in Nigeria has been bedevilled by several challenges, including the problem of 'fake sureties' guaranteeing bail, defendants not returning to court to stand trial, difficulty in confirming the identity of defendants and sureties, amongst others.⁴⁰ These problems have resulted in courts imposing onerous conditions when granting bail, which has resulted in many defendants not being able to perfect bail. The inability of defendants to perfect bail results in denial of the pre-trial constitutional right to bail and the congestion of correctional centres with defendants awaiting trial.⁴¹

³⁴ Mazi Afam Osigwe, SAN, 'Excessive Bail Conditions Undermine Justice,

<https://blog.nigerianbar.org.ng/2026/06/05/excessive-bail-conditions-undermine-justice-mazi-afam-osigwe-san/> accessed 26 August 2026

³⁵ Ibid

³⁶ (2008) 8 NWLR (Pt. 1089) 298

³⁷ (2019) LPELR-49182 (CA)

³⁸ Ibid

³⁹ Ibid

⁴⁰ Akeem Olajide B, 'Leveraging Technology to Improve Bail Administration in Lagos State, Nigeria- A Review of Recent Innovations' Paper delivered on 23rd October 2024 at the 2nd Regional Conference on Administration of Criminal Justice

⁴¹ Ibid.

It can be argued that the inefficiency of the current bail and pre-trial detention system is a key contributor to overcrowding in prisons. In a study, "Reforming Pre-trial Detention in Nigeria," Partner Global from their finding show that the heavy reliance on remand detention, coupled with the failure to implement alternative release options like bail bonds, results in unnecessary congestion of prisons.⁴²

According to recent data, there are 81,902 inmates in the Correctional Centres across the nation.⁴³ Out of these inmates, 65.2% are awaiting trial, and this includes cases where trial has not commenced or where the cases are still awaiting legal advice from the Department of Public Prosecutions.⁴⁴ Some of these inmates awaiting trial have been granted bail by the court but are unable to perfect the bail terms or do not have anyone to stand for them.

In response to this challenge, Ogun State has introduced the bondsmen scheme. This scheme provides an alternative mechanism for facilitating bail for accused persons. It allows licensed private individuals or corporate entities, known as bondsmen, to act as sureties. By doing so, they ensure the defendant's appearance in court while reducing the risks associated with flight and failure to appear.

The adoption of this initiative in Ogun State marks a forward-thinking approach to reducing overcrowding in correctional facilities, improving access to justice, and enhancing the efficiency of the criminal justice system. However, there are still significant concerns regarding regulatory oversight, the risk of potential abuses, ethical implications, and the feasibility of expanding the scheme that have not been adequately addressed.

To solve this problem, the bondsmen scheme was introduced in the Administration of Criminal Justice Act and the laws of states. A bondsman plays a huge role in bail agreements, as the provision of sureties may be one of the conditions to fulfil in the process of securing the release of an accused person on bail. Section 167 of the Administration of Criminal Justice Act states that a person granted bail may be required to produce such surety or sureties as, in the opinion of the court, will be sufficient to ensure his appearance in court when required. In fulfilling the conditions for bail, a bondsman may be required to provide security in the form of money/properties known as a bail bond to secure the temporary release of the accused, and to guarantee that the accused will honour the terms of the bail agreement by appearing in court when required and fulfilling any other condition stipulated.

⁴²Partners Global, 'Reforming Pretrial Detention in Nigeria (Project Overview, September 2023)', <https://www.partnersglobal.org/wp-content/uploads/2024/02/Reforming-Pretrial-Detention-in-Nigeria-Project-Overview-FINAL.pdf>, accessed 19 February 2025.

⁴³World Prison Brief <https://www.prisonstudies.org/country/nigeria?language_content_entity=en-gb> accessed 26 August 2026.

⁴⁴ Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017 Section 394

Professor Akeem⁴⁵ observed and outlined some of the advantages of the bondsmen scheme as follows;

- a. Bondsmen provide a way for average citizens to secure enough money or facility to be released on bail.
- b. The scheme plays an important role in maintaining social control over defendants. The bondsmen keep tabs on the defendant and ensure that the defendant attends court to stand trial. Bondsmen make a profit when the defendant attends court for trial. The profit motive ensures diligence by bondsmen to exercise control over defendants. Bondsmen may also require a third party, such as a relative, to post collateral security, thereby ensuring that it is easier for the bondsmen to influence the actions of defendants and to keep tabs on them.
- c. Bondsmen also help the courts to run smoothly. They mail reminders of future court dates to defendants, call them the day before court, or require them to phone the office periodically. Bondsmen may also notify the bond's co-signers of the defendant's next court appearance, so that they can help ensure the defendant's appearance when required.
- d. The desire of bondsmen to avoid forfeiture leads to effective apprehension of offenders. The bondsman's profit comes from the fee, equal to ten per cent of the bail amount, which he collects from the defendant at the time of contracting. If a defendant fails to appear, the bondsman stands to lose up to 100 per cent of the amount of bail, which means that not only does the ten per cent profit disappear, but the bondsman must pay the other ninety per cent out of pocket.
- e. The scheme decreases costs to the State of enforcing bail. Taxpayers will not be required to foot the bill for apprehension of bail jumpers, and the State is thus able to use these resources to meet other competing needs.

Considering the foregoing advantages, it is a wonder why the FCT and other states are not leveraging on the provisions of the ACJA and ACJL, which have been domesticated, to activate the scheme and help reduce the huge number of inmates behind bars awaiting trial. The situation is almost reminiscent of the biblical story where no one was worthy to open the scroll.⁴⁶ However, Ogun State stands as a beacon of hope and has taken the bull by the horns

⁴⁵ Akeem (n38)

⁴⁶Bible Gate Way, The book of Revelation Chapter 5 Verse 4 – 10, <https://www.biblegateway.com/passage/?search=Revelation%205%3A4-10&version=NIV>, accessed 18 February 2025.

in implementing the bondsmen in the state via the Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017⁴⁷

3. OVERVIEW OF THE OGUN STATE BONDSMEN SCHEME

The current Bondsmen Scheme in operation in Ogun State was introduced in 2020 by the Honourable Chief Judge of the State, Hon. Justice (Dr.) M.A. Dipeolu, FICMC, FHNR. This scheme has since been adopted across the state by Magistrates and High Court Judges. According to the Ogun State Judiciary, the scheme facilitated the release of 2800 inmates between January 2021 and October 2023⁴⁸ and approximately 8,000 defendants between October 2023 and July 2025⁴⁹. The scheme has consequently contributed to the decongestion of correctional centres within the state and supported the speedy dispensation of justice. However, independent third-party research is necessary to objectively assess and verify the extent of the scheme's impact and success. Nevertheless, the scheme is widely recognised as an important option for defendants who may otherwise have no other alternative to secure bail pending trial.

3.1 Rationale Behind the Inception of the Scheme

The bondsmen scheme in Ogun State was developed for a number of reasons. Firstly, the problem cited earlier by Professor Akeem: certain persons within the court premises turned themselves into "professional sureties" and made money taking defendants on bail. These persons, however, had no relationship whatsoever with the defendants they stood surety for, and some of them gave fictitious contact addresses. As a result of these loopholes in the system, some of these defendants jumped bail as there was an understanding with the sureties that if the defendant was absent, the case would die a natural death. Such scenarios always created a problem in the prosecution of ongoing cases, and justice was never attained by the State and the victims of such offences.

Another recurring problem was that some defendants were not residents of Ogun State, so when they were charged to court for an offence, it became a herculean task getting persons to stand as sureties for them, since the courts had a practice of releasing defendants on bail when family members or relatives stood in as sureties for them. This had a ripple effect of further congesting the correctional facilities, which were already overcrowded.

There was a lack of clarity on whose duty it was to carry out the exercise of verifying the addresses of the sureties.⁵⁰ The police prosecutors believed it was their responsibility, as

⁴⁷ Sections 195 - 196 of the Act

⁴⁸ Peter Moses, 'Bondsmen Scheme: Ogun frees 2,800 suspects in Two Years' *Daily Trust* (online, 24 November 2023) <<https://dailytrust.com/bondsmen-scheme-ogun-frees-2800-suspects-in-two-years/>> accessed 26 August 2026

⁴⁹ Ibid

⁵⁰ Akeem n38

they would be instructed by the court to provide the surety to show cause why the bail bond should not be forfeited if the defendant absconded. The court officials also believed it was their duty since they were saddled with the responsibility of documenting the details of these sureties. Some of them were also particularly interested in carrying out the verification exercise since it presented an opportunity to get extra money from the parties involved.

The Honourable Chief Judge of Ogun State considered all these issues and, after much consultation, decided to legalise these “professional sureties”, create regulations guiding their practices and give out licenses after extensive screening⁵¹. The creation of legislation clearly setting out the requirements for licensing bondsmen companies, together with the establishment of a Licensing Board headed by a High Court Judge and comprising members of the Judiciary and other high- ranking members of society, creates a greater semblance of propriety and integrity compared with what was obtainable previously.

3.2 Setting Up and Regulatory Framework of the Ogun State Bondsmen Licensing Scheme

Pursuant to the foregoing, the Honourable Chief Judge of Ogun State set up a committee in 2020 chaired by Honourable Justice A.A. Akeyemi (JCA) along with other members of the committee who came up with certain criteria that would be applied before a company could be issued a licence to operate as a bonds company.

The regulatory framework of the scheme can be found in the Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017⁵² which made ample provisions for the registration of bondsmen and revocation of licences issued. The drafters of that piece of legislation deemed it fit to make provisions governing the operations of Bondsmen in Ogun State. The framework includes:

- (a) *Licensing and Regulation*: Bondsmen companies must be registered and licensed in accordance with the Bondsmen Regulations and Practice Directions 2025, and the Licensing Board, headed by a judge of the Ogun State High Court⁵³, is established. The enactment of this regulation is provided for by S.195 (1) of the Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017, which empowers the Chief Judge to make regulations for the registration and licensing of both individuals and companies who want to offer the services of bondsmen in the State. The law also stipulates the qualifications required to be registered and the criteria for revoking a license.⁵⁴ This law regulates bail bond operations in the state and prohibits anyone other than family

⁵¹ Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017, s 195

⁵² Administration of Criminal Justice and other Related Matters Law of Ogun State 2017

⁵³ Bondsmen Licensing Scheme frees over 8,000 Defendants Awaiting Trial-Ogun State CJ
<<https://ogunstatejudiciary.gov.ng/bondsmen-licensing-scheme-frees-over-8000-defendants-awaiting-trial-ogun-cj-unveils-2025-bondsmen-regulations-and-practice-directions/>> accessed 26 August 2026

⁵⁴ Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017, s 195(2)

members or persons who have a personal relationship with the defendant from acting as a bondsman, making such conduct a criminal offence⁵⁵.

The licensing criteria include the requirement that the company must be registered with the Corporate Affairs Commission (CAC), with the sole objective of providing services as bondsmen. The Company must also have at least two directors and an insurance policy in place that the company has subscribed to.⁵⁶

The licence issued by the Bondsmen Licensing Committee comes in three (3) different categories, i.e category A, B and C. Each of these categories has different requirements which the interested companies must meet before a licence is issued. The insurance bond the company subscribes to determines the category of licence the company can apply for⁵⁷.

Another important point to consider is the amount charged by the bond companies. These companies are mandated by the law to charge a maximum of only 10% of the bail bond granted to a defendant. This is to prevent the companies from charging excessive fees from the defendants, as was done by the “professional sureties”. A company which has been able to meet the criteria set down by the Bondsmen Licensing Board would be issued a licence to operate as a company which offers services as bondsmen. There are currently 3 Bondsmen companies in Ogun State offering these services⁵⁸. The Licensing Board meets regularly to assess the activities of the Bondsmen and make any changes along the way.

(b) *Risk assessment & Legal Liability*: The Bondsman has the responsibility of conducting a background check on the defendant before providing bail support or acting as surety. This is because the Bondsman will be entitled to pay the Bond Sum if the defendant absconds. The Bondsman is also empowered by law to arrest any defendant it takes on a bond who is believed to be attempting to escape or avoid appearing in court and, within 12 hours, bring such person before a Court or hand the person to the police for appropriate action.⁵⁹ Bondsmen companies therefore perform quasi-policing functions to ensure they can track down fleeing defendants and bring them back to the jurisdiction of the court, thereby avoiding potential financial liability.

In summary, the Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017 specifically provided for the regulation, registration, termination of the licence of Bondsmen and powers of the Bondsmen regarding absconding defendants. The Bondsmen scheme in Ogun State is empowered by law and seems to have decongested

⁵⁵ Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017, ss 195(3) and (4)

⁵⁶ Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017, ss 195(7) and (8)

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Administration of Criminal Justice and Other Related Matters Law of Ogun State 2017, ss 196(1) and (2)

correctional centres within the state⁶⁰. This success can also be attributed to the fact that courts now know who to hold responsible in the event that a defendant absconds. The Magistrate Court within Ogun State, which is where the bulk of the criminal cases emanate from, often makes use of the Bondsman in granting an application for bail.

3.3 Successes of the Bondsman Scheme in the Administration of Criminal Justice in Ogun State

Since the inception of the Bondsman scheme in 2020, the Ogun State Judiciary has claimed that the scheme has been able to decongest the correctional facilities considerably⁶¹. The Chief Judge of Ogun State noted recently that the operationalisation of the Bondsman Licensing Scheme has assisted in decongesting Correctional centres in the State by enabling over 2,800 (Two Thousand Eight Hundred) defendants to be let out on bail between January 2021 and October 2023.⁶²

There are three bondsmen companies currently operating in the state; they are Egba Kalisco Bail & Bond, Kristalis Bail & Bond and Praise & Moremi Bail and Bonds⁶³. Mr O.L. Oke, the current Bonds Administrator, also highlighted how this scheme has been able to facilitate speedy adjudication of criminal trials, as the defendants are always available to stand trial.⁶⁴

3.4 Challenges of the Bondsman Scheme in Ogun State

- (a) *Absconding of Defendants on Bail*: The system in Ogun State has suffered a 3.05% default rate, as about 243 defendants have absconded, but 212 defendants were swiftly re-arrested⁶⁵. The bondsmen have had to forfeit their recognisance or bond granted to the defendants who were still at large⁶⁶. The bondsmen have also had to embark on far journeys to secure the arrest of defendants who absconded after bail was granted. Effecting this arrest has also posed serious problems to the Bondsman, as they are not recognised outside Ogun State and they have no statutory backing in other states since they are not recognised as members of agencies who can effect such arrest.⁶⁷ This has led to confrontations and conflicts with members of other communities outside Ogun State in the process of trying to apprehend fleeing defendants and bringing them back to face trial.⁶⁸

⁶⁰ n 53

⁶¹ Ibid

⁶² Bonds Administrator (Ogun State) Mr. L.O. Oke in a conversation with representatives of REJA Initiative during a working visit paid to him at his office on 28th January 2025 at the Ogun State High Court Abeokuta.

⁶³ n 53

⁶⁴ n58

⁶⁵ n59

⁶⁶ n58

⁶⁷ n58

⁶⁸ n58

- (b) *Issuance of Licenses to only Companies*: Another challenge of the bondsmen scheme is the issuing of licenses to only companies and not individuals. The Ogun State Bondsmen Licensing Board has decided that the scheme has not crystallised to a formidable level where they can issue out licences to individuals because of the challenge of the bondsmen having to effect arrest in jurisdictions where this scheme is not recognised. There is, however, hope that in the near future, individuals will be issued licences, but for now, only registered Bonds companies can make applications to the board to obtain a licence.⁶⁹
- (c) *Propensity for Abuse*: As with any human institution, there is a potential for abuse of the Bondsmen scheme by the Bond companies, particularly through the creation of a monopoly by bond companies over bail bond services in the State. While there have been no reported cases of abuse or public complaints, possibly because the scheme is still in its infancy, it is very important that strong accountability mechanisms be introduced by the Licensing Board. The Board should conduct periodic checks on Bondsmen Companies to ensure that they don't exploit indigent defendants or effectively put their liberty up for sale for the right price.
- (d) *Equality and Non-Discrimination of Defendants*: Since Bondsmen companies can charge up to 10% of the Bail Bond, indigent defendants may be disproportionately disadvantaged. If this is not addressed, the scheme, despite its good intentions, may ultimately reinforce the inequality that contributes to pre-trial detention in the first place, namely, the inability to meet bail requirements. One possible solution may be to create a separate category for indigent defendants and reduce the bail bond amount to a level they can afford.

4. RECOMMENDATIONS FOR NATIONWIDE ADOPTION BY OTHER STATES

As stated earlier, Section 167 of the Administration of Criminal Justice Act 2015 states that a person granted bail may be required to produce such surety or sureties as, in the opinion of the court, will be sufficient to ensure his appearance in court when required. In fulfilling the conditions for bail, a bondsman may be required to provide security in the form of money/properties known as a bail bond to secure the temporary release of the accused, and to guarantee that the accused will honour the terms of the bail agreement by appearing in court when required and fulfilling any other condition stipulated. The Bondsmen scheme in Ogun State has been able to fill this void.

⁶⁹n58

The Bondsman scheme has also been able to assist speedy dispensation of justice through a faster resolution of criminal matters since the presence of the defendants is guaranteed and the Magistrates can hold the Bondsman company responsible for a defendant who has absconded as it is the company's duty to produce the defendant. Recommendations to effect nationwide implementation include:

- i. *Uniformity*: One of the major challenges is the absence of a nationwide uniform bondsman system and as such it is strongly recommended that states across Nigeria amend their Administration of Criminal Justice Laws (ACJLs) to make provisions for the bondsman scheme. When adopted, this will help in eliminating the challenge of bondsmen having difficulty in effecting a personal arrest when an accused person runs away from the arresting state to another State that may not recognize them in their laws.
- ii. *Corruption*: The Bondsman scheme will help pull down the structure of the already existing racketeering within the court premises and criminal justice administration where faceless people in connivance with some state and court officials take people on bail. With this structure, bondsmen will be known and recognised by the state thereby preventing situations of defendants jumping bail and the state losing the bail bond. Also, to prevent exploitation where bail bondsmen may prioritise profits over justice, leading to the exploitation of poor defendants, the need for a nationwide uniformity of the bondsman scheme copying Ogun State cannot be overemphasized.
- iii. *Socio-economic discrimination*: On face value, it may appear that the bondsman scheme may benefit wealthier defendants who can afford the services of a bail bondsman, thereby excluding impoverished detainees. It is therefore recommended that states introduce state-bail funds, which will make it possible for all indigent defendants to obtain bail.

5. CONCLUSION

The bail system has evolved from ancient, guaranteed traditions into a sophisticated component of the modern criminal justice system. Although its implementation varies across jurisdictions, its fundamental purpose remains the same: to ensure that defendants appear for trial without unnecessary pre-trial detention. In Nigeria, especially in Ogun state, the bail system has emerged as a possible solution to overcrowding of correctional centres, but its integrity depends on strong legal frameworks, regulatory oversight, and policies that protect against exploitation. A well-structured system can provide effective access to justice, balancing the rights of the accused with the need for accountability in the criminal justice process. The Bondsman scheme currently implemented by Ogun State is an innovative way of solving the ongoing congestion of correctional centres in Nigeria which majorly consists of persons

awaiting trial. We hope that many more states will take a cue from Ogun State and seek ways to create a similar system that will make the bail process less cumbersome and more accessible for the common man.