

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

CA (PHC) APN 150/2012

Revision High Court – Badulla 06/2011

Hon. Attorney General,
The Attorney General's Department,
Colombo 12.

Complainant.

Vs.

1. Paranaga.mage Chaminda Rohana Alias paranamanage Dhanushaka Priyamaal Alias Manju alias Kalu Sagara.
02. Tennakoon Mudiyanseleage Buddhika Prasad Thennakoon alias Chutta
03. Subramaniam Lakshaman alias bada
04. Rupasinghe Arachchige Chaminda Rupasinghe
05. Thilak Jayasekara alias sabha
06. Thomas Anton George
07. Karunasinghage Asanka Dilruk Jayawardane
08. Thennakoon Mudiyanseleage Nilan Abeyratne alias Illangakoon Nilan Abeyratne alias Milan.
09. Don Ranjith Edirisinghe alias Ranji
10. Rajapakshe Pathiranage Lasantha Sanjeewa
11. Prasad Mangala Alagiriya Vithana alias Buddhika.

12. Walle Kangkanamlage Chamila Suranga alias
Sudhu Sagara.

Suspects.

AND NOW

04. Rupasinghe Arachchige Chaminda Rupasinghe.

Suspect-Petitioner.

Vs.

Hon. Attorney General,
Attorney General's Department,
Colombo 12.

Complainant-Respondent.

Officer in Charge,
Police Station,
Badulla.

Respondent.

CA (PHC) APN 150/2012
06/2011

Revision High Court – Badulla

Before: A.W.A. Salam, J. &
Sunil Rajapakshe, J.

Counsel: S. Wellappili for the Petitioner.
Samadari Piyasena SC for State.

Argued &
Decided on: 15.05.2013..

A.W.A. Salam, J.

This is a revision application made against the order of the learned High Court Judge dated 18.08.2011 refusing bail to the 2nd accused Tennakoon Mudiyanseleage Buddhika Prasad Thennakkon alias Chutta. Except the 2nd accused, admittedly all others have been released on bail. Almost one and half years have lapsed since the refusal of the bail application by the learned High Court Judge. There are 137 witnesses listed by the prosecution and presently only 8 witnesses have given evidence. It is to be observed that certain articles concerning the commission of the offence, have been recovered from the 2nd accused. However, this cannot constitute a ground to refuse bail as the other accused from whom such articles have been recovered have already been released on bail. The 2nd accused has now been on remand for more than

four and half years. This itself is a ground which give rights to the accused to maintain an application for bail. As such we direct the learned High Court Judge to release 2nd accused on bail, subject to conditions to be imposed by the learned High Court Judge.

JUDGE OF THE COURT OF APPEAL.

Sunil Rajapakshe, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Mm/-.