

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

C.A. Revision No: **CA (PHC) APN: 181/2013**

H.C. (Galle) bail Application No: 212/13

Galle Additional M.C. Case No: 8809/13

Officer in Charge
Police Station, Akkmeemana

Complainant

Rev. Passgoda Upasantha Thero,
Suspect
(presently in remand prison Galle)

Elandarege Seana Priyantha
Polwathaheana, Pasgoda

Petitioner

Vs.

1. Officer in Charge
Police Station, Akkmeemana

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

3. Rev. Passgoda Upasantha Thero

Respondents

C.A. (PHC) APN 181/2013 - H.C. Galle 212/2013

BEFORE : A.W.A. Salam J.
Sunil Rajapakshe J.

COUNSEL : Jenny Fernando with Ananda Hettiarachchi
for the Petitioner.
Rajindra Jayarathne SC. For the Respondent.

ARGUED &
DECIDED ON : 28.02.2014

A.W.A SALAM J.

Both parties heard on the application. Learned State Counsel has no objection to the suspect been granted bail. The fact that the suspect had pending cases as stated by the learned High Court Judge, will have no bearing on the application for bail as admittedly a charge of murder cannot be maintained on the evidence available. According to the J.M.O.'s report the cause of death is stated to be Alcoholic Liver disease. As such, the Impugned Order of the High Court Judge is varied, and the suspect is granted surety bail in a sum of One million Rupees with two sureties.

JUDGE OF THE COURT OF APPEAL

SUNIL RAJAPAKSHE J.

I agree

JUDGE OF THE COURT OF APPEAL.

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