

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

CA (PHC) APN 95/2013
HC-Balapitiya-HCBA 2835/12

Sujatha Nimali Thilakahetti
C/O Manel Thilakahetti,
Ambalangoda Stores,
Kirinde, Puhulwela.

Petitioner-Petitioner

Vs.

1. Officer in Charge,
Criminal Investigations Department.

2. Hon. Attorney General
Attorney General Department,
Colombo 12.

Respondent-Respondents

Before : **A.W.A. Salam, J. &**
W.M.M. Malinie Gunarathne, J.

Counsel : Jagath Abeynayake for the Petitioner
Rajindra Jayarathne, SC for AG

Argued &
Decided on : 25.03.2014

A.W.A. Salam, J.

The suspect in respect of whom the bail application has been made to the High Court, refused bail despite the fact that he had been on remand by the time of refusal, for one year and six months. However, the fact remains that he has spent a period of well over 2 years and 5 months on remand as at present. The learned State Counsel concedes that according to law he cannot be remanded for more than two years.

In the circumstances, we are inclined to accept the revision application and direct the learned Magistrate to grant him cash bail in a sum Rs.100,000/- and surety bail in one million with 2 sureties. Sureties should include the wife and another blood relation. The passport of the suspect to be impounded and in any event if he does not have a passport, the learned Magistrate is directed to inform the Immigration and Emigration Authorities of the travel restriction imposed on the suspect.

Suspect is directed to give an undertaking that he will not interfere with the witnesses. The suspect is directed to report once a month on the last working day to the Keselwaththa Police Station. A copy of this order to be forwarded to OIC Keselwatta for information.

JUDGE OF THE COURT OF APPEAL

W.M.M. Malinie Gunarathne, J.

I agree.

JUDGE OF THE COURT OF APPEAL

LA/-