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

CA (PHC) APN 73/2013
HC (Galle)HCBA 215/2012

Thuwan Siththi Jesima
No: 174,
Malwatta,
Wariyapola.

Petitioner

-Vs.-

1. Officer-in-Charge
Financial Investigation Unit,
Criminal Investigation Department,
Colombo 01.

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

Respondents

Before   :   **A.W.A. Salam, J**

                      Sunil Rajapakshe, J

Counsel   :   Amila Palliyage for the Petitioner.

                      Anoopa de Silva SSC for the Respondent.

Argued &

Decided on   :   **12.05.2014**

A.W.A. Salam, J

The suspect in respect of whom the application for bail has been made in the High Court of Galle had been in incarceration for one year and eight months. The minimum sentence mandated for this offence with which the suspect is charged is one year and maximum is fixed as 5 years. The Learned Counsel for the petitioner cited the judgement in CA(PHC)APN38/2009. Even though the judgement cited is not similar on all fours, yet it is relevant to the present issue.

Quite apart from the above the suspect in this case had been on remand for one year and eight months without his being charged and there is no assurance how long more will take for the suspect to be charged in the appropriate court. The unusual length of time during which he has been on remand awaiting the charge sheet by itself constitutes exceptional circumstances.

As such we direct that the suspect be released on bail upon furnishing cash bail in a sum of rupees one hundred thousand (Rs.100,000/-) and surety bail in a sum of rupees one million (Rs.100,000/-) with four sureties from and among the family members including the spouse, if living. In addition the passport of the suspect to be impounded and he is required to report to the Magistrate's Court of Galle on the last working day of every month between 10.30 a.m and 2.00 p.m.

Judge of the Court of Appeal

Sunil Rajapakshe,J

I agree

Judge of the Court of Appeal

Na/-