

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

*In the matter of an application for
Bail in terms of Section 494 of the
Code of Criminal Procedure Act
No.15 of 1979*

CA (PHC) APN: 60/2015
HC Case No: HCBA 10/2015

Amarasinghe Gunawardena Don
Kusum Kumari Amarasinghe,
No. 22, Magurugoda,
Rathna Hangamuwa,
Ratnapura.

Petitioner

Vs.

1. Officer-in-Charge,
Police Station,
Kahawatte.
2. Officer-in-Charge,
Homicide Investigation Unit,
Criminal Investigation
Department,
Colombo 01.
3. Honourable Attorney General
Attorney General's Department,
Colombo 12.
4. Urupalawwe Gamaathiralalage
Ajith Malavi Gunaratne,
No. 22, Magurugoda,
Rathna Hangamuwa,
(Currently in remand Prison
Kuruwita)

Respondents

And Now Between

Amarasinghe Gunawardena Don
Kusum Kumari Amarasinghe,
No. 22, Magurugoda,
Rathna Hangamuwa,
Ratnapura.

Petitioner

Vs.

1. Officer-in-Charge,
Police Station,
Kahawatte.
2. Officer-in-Charge,
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Ajith Malavi Gunaratne,
No. 22, Magurugoda,
Rathna Hangamuwa,
(Currently in remand Prison
Kuruwita)

Respondents

**BEFORE: Vijith K. Malalgoda J (PCA)
S. Devika de Livera Tennekoon J**

**COUNSEL: Kanchana Ratwatte with Janice Ranatunga for the Petitioner
Warunika Hettige SSC for the Respondents**

DECIDED ON: 08.02.2016

S. DEVIKA DE LIVERA TENNEKOON J

This is a revision application to revise the order of the Learned High Court Judge of Ratnapura dated 08.06.2015 refusing bail to the 4th Respondent.

The Learned High Court Judge having considered all material placed before Court has refused granting bail to the 4th Respondent, mainly on the ground that the investigations have not been completed.

It is prudent to refer to the case of W.R. Wickreamasinghe Vs. The Attorney General & another CA. (PHC) APN: 39/2009 in which Justice Sisira de Abrew analyzed and commented on Sections 14, 16 & 17 of the Bail Act No. 30 of 1997 and came to the finding that;

“If there is no application under Section 17 the maximum period that a suspect / accused to whom the Bail Act applies can be kept on remand is one year.”

In the instant matter there has been no application under Section 17 of the Bail Act No. 30 of 1997. It is also common ground that both the investigations and non-summary proceedings relating to the 4th Respondent have now been concluded. It must be duly noted that the one year remand imprisonment of the 4th Respondent will be completed on 12th of February 2016 that is four days hence.

Considering the circumstances aforesaid and in light of the abovementioned Judgment I am of the opinion that the 4th Respondent should be enlarged on bail on completion of the 1 year period of remand imprisonment subject to the following conditions;

- a) Cash Bail in a sum of Rs. 50,000/-,
- b) Surety Bail with two sureties of the value of Rs. 500,000/- each, and

- c) After the grant of Bail the 4th Respondent is directed to report to the Officer in Charge of the Kahawattha Police Station every last Sunday of each month between 9.00 am and 12.00 noon.

The Registrar is directed to send a copy of this order to the Learned High Court Judge of Ratnapura. The Registrar is also directed to issue a certified copy of this order to the Petitioner on payment of usual chargers.

JUDGE OF THE COURT OF APPEAL

Vijith K. Malalgoda J (PCA)

I agree

JUDGE OF THE COURT OF APPEAL