

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

Took Appulage Dilan Randika  
No. 377A, Biyagama Road  
Pattiya, Kelaniya.  
(Now in the remand)

**PETITIONER**

**CA /Bail No. 10/2016**

**CMC Colombo No. 56444/05**

**Vs**

1. Officer In Charge  
Police Station  
Peliyagoda.
2. The Attorney General  
Attorney General's Department  
Colombo 12.

**RESPONDENTS**

**BEFORE**

: Deepali Wijesundera J.

: L.U. Jayasuriya J.

**COUNSEL**

: Apsara Botheju for the Petitioner

D.S. Soosathias S.S.C. for the

Attorney General

**ARGUED ON**

: 14<sup>th</sup> March, 2017

**DECIDED ON**

: 31<sup>st</sup> March, 2017

**Deepali Wijesundera J.**

The suspect petitioner was remanded under *Sec. 8 and 9 of the Assistance to and Protection of Victims of Crime and Witness Act, No 4 of 2015* and was remanded by the Chief Magistrate of Colombo. He's alleged to have threatened a witness.

In the instant case the suspect petitioner was ordered bail by the Magistrate and remanded on another B report before he could furnish bail. When suspects are produced before the Magistrate's Court under the provisions of the said act the Magistrate is duty bound to see whether the police have abused the provisions of the said Act.

Further the Magistrate should ascertain whether the facts placed before him falls within *sec. 81 of the Code of Criminal Procedure Act* where the provision is in place to bind over the parties produced before him. After considering the facts placed before the Magistrate, if the Magistrate is of the view that a particular suspect has violated the bail conditions, he should proceed to cancel the bail order and remanded the suspect. Such a suspect should not be remanded under the provisions of *Act No. 04 of 2015*.

We decide to release the suspect petitioner on bail. The learned Magistrate is ordered to release the suspect petitioner on Rs. 25,000/= cash bail with two sureties acceptable to the Magistrate.

**JUDGE OF THE COURT OF APPEAL**

**L.U. Jayasuriya J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**