

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

An application for Bail in terms of section 10 (I) of the Assistance to and Protection of Victims of Crime and Witnesses Act, No.04 of 2015.

Officer – in Charge,
Police Station,
Kiribathgoda.

C.A. Bail Application No.
22/2020

Complainant

Vs.

M.CMahara Case No. B/782/20

1. Sooriya Arachchige Rasanga
Vishwa Perera Alias Kolitha,
No. 621/3, Station Road
Hunupitiya, Wattala.

2. Mahawaththage Nalaka Dilip
Alias Army Nalaka,
No.236/10, Preethipura Road,
Hendala, Wattala.

Suspects

AND NOW BETWEEN

Mathakadeera Arachchige
Irawathie,

No.621/3, Station Road,

Hunupitiya, Wattala.

Petitioner

Vs.

1. Officer-in-Charge,

Police Station

Kiribathgoda.

2. The Attorney General,

Attorney General's Department

Colombo 12.

Respondents.

Before – Menaka Wijesundera J.

Neil Iddawala J.

Counsel – Senarath Jayasundera with Chathurangi Wedage and

Pasan Malinda for Petitioner.

Chathurangi Mahawaduge, SC for the state.

Argued On -10/02/2021.

Decided On-24/02/2021.

MENAKA WIJESUNDERA J.

In the instant applications for bail the two suspects namely,

S.A.RasangaVishwa and M NalakaDilip alias Army Nalaka were initially taken into custody for being in possession of heroin less than one gram by the Kiribathgoda police on 19.02 2020. While they were in the police cell another B report had been filed stating that the two suspects alleged that they would **“finish off those who falsely implicated them”**.

The two suspects above named had been enlarged on bail for the original charge but they had been remanded under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015. The position of the petitioners is that the exceptional circumstances in this case are that,

1. At the time of the utterances by the suspects there were no witnesses and as such it does not fall under the above mentioned act,
2. The investigative notes by the police are not in order and it carries discrepancies,
3. There is a delay in concluding the investigations pertaining to the matter in hand.

The respondents in their submissions in court admitted that there are certain discrepancies in the investigative notes and that the delay in concluding the investigation is also not denied.

The petitioners further submitted that the statements of the inmates who were inside the cell at the time of the said utterances did not implicate the suspects.

Therefore in view of the submissions made above this court is of the opinion that the suspects in Bail Applications 22/20 and 23/20 should be enlarged on the following conditions of bail,

1 Rs 25000/= cash bail each,

2 Two sureties to the value of Rs 50000/= each,

3 Each suspect should report to the office of the Assistant Superintendent of police Kiribathgoda on every last Friday of the month.

The registrar of this court is hereby directed to convey the above order to the relevant Magistrates Court.

Judge of the Court of Appeal

Neil Iddawala J.

I Agree.

Judge of the Court of Appeal