

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

In the matter of an application for Revision under and in terms of the Article 138 of the Constitution of Democratic Socialist Republic of Sri Lanka.

The Officer – in – Charge,
Police Narcotic Bureau,
Chilaw.

Complainant

CA (PHC) APN 23/2021

Magistrate's Court of Chilaw Case

No. : **B 1236/2019**

High Court of Chilaw Bail

Application No. : **HC 15/2020**

Vs.

Warnakulasuriya Antony Sudeep Fernando,
No. 112, Kawatiya Watta,
Wattakkalliya,
Chilaw.

7th Suspect

(Currently in the Remand Custody)

AND BETWEEN

Wijesinghe Arachchige Benadict Jasintha,
No.112, Kawatiya Watta,
Wattakkalliya,
Chilaw.

Petitioner

Vs.

1. Hon. Attorney General,
Attorney General's Department,
Colombo 12.
2. Officer – in – Charge,
Police Station,
Chilaw.

Respondents

AND NOW BETWEEN

Wijesinghe Arachchige Benadict Jasintha,
No.112, Kawatiya Watta,
Wattakkalliya,
Chilaw.

Petitioner – Petitioner

Vs.

1. Hon. Attorney General,
Attorney General's Department,
Colombo 12.
2. Officer – in – Charge,
Police Station,
Chilaw.

Respondents – Respondents

Before – Menaka Wijesundera J.

Neil Iddawala J.

Counsel – Waruna Weerasuriya for the petitioner.

Chathurangi Mahawaduge, SC for the State.

Argued On – 22.06.2021

Decided On – 29.06.2021

MENAKA WIJESUNDERA J.

The instant application has been filed to set aside the order dated 7.8.20 of the learned High Court Judge of Chilaw.

But as the application proceeded the Counsel appearing for the petitioner submitted to Court that the petitioner would be satisfied if the bail conditions are varied, as such this Court directed the Counsel appearing for the Attorney General to file their observations on the matter.

As such the Counsel appearing for the Attorney General has submitted that they have no objection for the variation of the bail conditions but on strict conditions.

Hence upon considering the above mentioned submissions this Court thus decides to while affirming the order of the learned High Court Judge of Chilaw dated 7.8.2020 the bail conditions set out 1 to 8 are hereby amended and the following conditions are imposed,

- 1) A cash bail of Rs 500000/,
- 2) Two sureties to the value of 2 million rupees each ,

- 3) The petitioner to report to the relevant police station on every Sunday of the month,
- 4) The petitioner to surrender his passport to the relevant High Court.

The registrar of this Court is hereby directed to convey this order to the relevant High Court.

Judge of the Court of Appeal.

I agree.

Neil Iddawala J.

Judge of the Court of Appeal.