

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST**

**REPUBLIC OF SRI LANKA.**

In the matter of an Application for  
Bail under Section 10 (1) (a) of the  
Assistance to and Protection of  
Victims of and Crime Witnesses Act  
No.04 of 2015.

Officer in Charge

Police Station

Court of Appeal Case No:

Ahangama.

**CA (BAIL) 71/2021**

**Complainant**

Magistrete's Court of Galle Case No:

Vs.

**B 36899/21**

Angage Amila Swarnajith Perera

No 383B, Pelawatta,

Katukurunda,

Habaraduwa

**(Presently in Remand Prison)**

**Suspect**

**AND NOW**

Angage Amila Swarnajith Perera

No 383B, Pelawatta,

Katukurunda,

Habaraduwa

**Suspect – Petitioner**

Vs.

1. The Officer in Charge

Police Station,

Ahangama.

**Complainant – Respondent**

2. Hon. Attorney General

Attorney General Department,

Colombo 12.

**Respondent**

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Shanaka Ranasinghe, PC with N. Mihindukulasooriya for the  
Petitioner.

Ridma Kuruwita, SC for the Respondents.

Argued on: 15.09.2022

Decided on: 20.09.2022

**MENAKA WIJESUNDERA J.**

The instant application is filed to obtain bail to the Suspect namely Angage Amila Swarnajith Perera under the provisions of the Assistance to and Protection of Victims of Crime Witnesses Act nu 14 of 2015.

The Presidents Counsel appearing for the suspect stated that the virtual complainant and the suspect has been having an affair and due to some misunderstanding the complainant had lodged several complaints against the suspect for harassment and while these were pending the complainant had lodged a complaint in 2021 January for an alleged threat by the suspect made to the complainant and the police had reported facts under the above act and the suspect is in remand ever since for over a period of one and a half years without any action being taken against the suspect.

The Counsel appearing for the Attorney General objected to the instant application on the basis that there are several complaints made against the suspect.

The Counsel for the respondents further averred that the indictment in the instant matter is under consideration but was unable to state a date as to when it would be filed.

Upon considering the submissions of both parties this Court is mindful of the fact that bail in the instant matter can be granted only upon exceptional circumstances by this Court, but the term exceptional has not been defined in the relevant act. But according to the cases so far decided it has been concluded that exceptional circumstances differ from case to case.

As such in the instant matter we observe that the suspect has been in remand for more than one year without any charges being filed against the suspect.

According to the provisions of the above mentioned act it is very clearly stated that action filed under this act should be given precedence over other matters. But in the instant matter we observe that it has been grossly violated and we also note that although this act is enacted to safe guard the rights of victims and witnesses it should not be used as a tool against any person to avenge personal grievances.

Therefore the period in remand without due administration of justice being meted out to the suspect we conclude to be exceptional enough to enlarge the suspect on following conditions of bail,

- 1) A cash bail of Rs 50000/,
- 2) Two sureties to the value of Rs 100000/ each
- 3) The suspect to report to the relevant police station on every last Sunday of the month,
- 4) The suspect is severely warned not to interfere with the complainant or her family, and if he does and if it is reported the instant application for bail would be cancelled.

As such the instant application is allowed and the Registrar of this Court is directed to inform the above order to the Registrar of the relevant Magistrates Court.

**Judge of the Court of Appeal.**

**I agree.**

**Neil Iddawala.**

**Judge of the Court of Appeal.**