

**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 Crime and Witnesses No. 4 of 2015.

Randoge Asanthi Iresha Priyadarshani.

**Petitioner**

Court of appeal Case No:

**CA (BAIL) 11/2022**

Magistrate's Court of Matara Case No:

**BR 2663/21**

Vs.

1. Officer in Charge

Police Station

Gandara.

2.Hon. Attorney General,

Attorney General's Department,

Colombo 12.

**Respondents**

Randoluge Dinoj Theshan De Silva.

**Accused – Currently in remand**

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Sabdhika Wellappili and Waijanthi Nandadasa for petitioner.

Panchali Witharana, SC for the Respondent.

Argued on: 04.10.2022

Decided on: 05.10.2022

**MENAKA WIJESUNDERA J.**

The instant matter has been filed to obtain bail for **Randombage Dinoj Theshan De Silva**, under the Provisions of the Assistance to and Protections of Victims of Crime and Witnesses Act. The Accused has been arrested for the instant matter on **21/12/2021** and remanded for a complaint made against him by **Ajith Prasanna Senevirathne** who was an eye witness in the murder case which had concluded 5 years ago.

The other Accused in the same case who had been in remand under the instant Act had been enlarged on bail by this Court.

The state Counsel appearing on behalf of the Respondents vehemently objected to the application on the basis that the Accused has not completed 01 year in remand. This Court sees no merit in the submission because the instant Act has been enacted to safe guard the rights of victims and witnesses, but in the same Act it is stated that matters coming under this Act should be given precedence over others. But if an accused person is to remain in Prison for an exact period of 01 year when in fact the substantive matter has been concluded five years ago, it is we believe is a definite violation of his liberty to freedom.

Therefore, we see no reason why this Accused should be kept in remand any longer. As such the Accused namely, **Randombage Dinoj Theshan De Silva**, is enlarged on bail on following conditions,

01. A cash bail of Rs. 25,000/-
02. Two sureties to the value of 50,000/- each.
03. The suspect to report to the relevant Police Station on every last Sunday of the month.
04. The suspect is hereby severely warned not to interfere with the victim or the family members. If it is reported, the instant bail order would be cancelled.

The Registrar of this Court is directed to inform the Registrar of the Magistrate's Court of Matara regarding the instant order.

The instant application for bail is hereby allowed.

**Judge of the Court of Appeal.**

**I agree.**

**Neil Iddawala J.**

**Judge of the Court of Appeal.**