

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF

SRI LANKA.

An application for bail in terms of Section 10 (1) (a) of the Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015.

Officer – in – Charge

Police Station,

Madampe.

Court of Appeal Case No:

CA / BAL / 51 / 2021

Magistrate's Court of Chilaw Case No:

B 118 / 2021

Complainant

Vs.

Rajapaksha Pedige Darshana Ruwan
Kumara Karawitagara,

Chilaw.

Suspect

AND NOW BETWEEN

Rankiran Pedige Karunawathie

No 464/33/B

Yodha Ela A, Karawitagara. Chilaw.

Petitioner

Vs.

1. Officer – in – Charge,

Police Station,

Madampe.

Complainant - Respondent

2. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

Respondent

3. Rajapaksha Pedige Darshana Ruwan
Kumara,
Karawitagara,
Chilawa

Suspect - Respondent

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Janasith De Silva appears for the Petitioner with Eranga Rathnayaka,
Ravindra Jayarathne and Dasun Niyagama.

Argued on: 26.09.2022

Decided on: 05.10.2022

MENAKA WIJESUNDERA J.

The instant matter has been filed under the Provisions of the Assistance to and Protection of Victims of Crime and Witnesses Act No. 04 of 2015 to obtain bail for the suspect namely, Rajapaksha Pedige Darshana Ruwan Kumara.

The counsel for the suspect stated that the substantive matter in the instant case has been a theft of 18 coconuts against the suspect committed on 20/01/2021. The suspect had been bailed out by the Magistrate for the said offence. Thereafter, on 21/01/2021 the virtual complainant in the substantive matter has lodged a complaint against the suspect on 21/01/2021 alleging that the complainant had been assaulted by the suspect. The police had produced the suspect on 03/02/2021 and he had been in remand ever since.

The counsel for the petitioner suspect urged that the suspect had been in remand over 01 year without any judicial proceedings being instituted against him.

The state Counsel appearing for the Attorney General objected to the application on the basis that the suspect has 01 Previous Conviction and 01 pending case in the nature of Dangerous drugs. The state Counsel further submitted that IB extracts have been submitted to the Attorney General and that the indictment is under consideration.

Considering the submissions of both parties it is the considered view of this Court that the suspect had been in remand for over 01 year, without any judicial proceedings being instituted against him. The purpose of the instant act is to safeguard the rights of witnesses and victims but it also states that proceedings under this Act should be given priority. Therefore, in the instant matter there is a delay of more than 01 year and there is no definite date of any judicial proceedings being initiated against the suspect. As such, we consider this matter to be exceptional

enough to enlarge the suspect namely Rajapaksha Pedige Darshana Ruwan Kumara on bail. Hence, the suspect is enlarged on bail on the following grounds,

01. A cash bail of Rs. 50,000/-
02. Two sureties to the value of 100,000/- each
03. The suspect to report to the relevant Police Station on every last Sunday of the month.
04. The suspect is severely warned not to interfere with victim or the victim's family, if it is reported the instant bail order would be cancelled.

As such the instant application for bail is allowed. The Registrar of this Court is directed to convey the instant order to the relevant Registrar of the Magistrate Court.

Judge of the Court of Appeal.

I agree.

Neil Iddawala J.

Judge of the Court of Appeal.