

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.**

In the matter of an application for bail under S. 10(1) (a) of the Assistance to and Protection of Victims of Crime and Witnesses Act No: 4 of 2015.

The Officer in Charge, Police Station,  
Polonnaruwa.

**COMPLAINANT**

C.A Case No: CA/BAL/15/21

Magistrate Court of Polonnaruwa

Case No: B/792/19

Vs.

J.M. Sugath Ranjan Jayakody,  
No: 39/1, Sri Nissankamallapura  
Polonnaruwa.

**SUSPECT.**

AND NOW BETWEEN NOW.

J.M. Sugath Ranjan Jayakody  
No:39/1, Sri Nissankamallapura  
Polonnaruwa.

**SUSPECT – PETITIONER.**

Vs.

1. The Officer-in-charge, Crime Branch  
Police Station,  
Polonnaruwa.
2. The Officer-in-Charge,  
Miscellaneous Complaints Branch  
Police Station,  
Polonnaruwa.
3. Hon. Attorney General,  
Attorney-General's Department,  
Colombo 12.

**RESPONDENTS**

**BEFORE** : **HON. JUSTICE MENAKA WIJESUNDERA**  
**HON. JUSTICE NEIL IDDAWALA**

Counsel : Migara Doss with Jayantha Dehiaththage for the Petitioner.  
Panchali Witharana SC for the Respondents.

Decided on : 24.05.2022.

**MENAKA WIJESUNDERA, J.**

The instant application has been filed to obtain bail for J.M. Sugath Ranjan Jayakody under the Provisions of the Assistance to and Protection of Victims of Crime and Witnesses Act No: 4 of 2015.

According to the Counsel of the Suspect – Petitioner, the Petitioner had been initially taken into custody for abusing his neighbour and thereafter engaging in a brawl with the neighbour and police officer who had come to investigate the complaint made against the Petitioner by his neighbour. This incident had taken place on 01.03.2019. Thereafter the Petitioner had been remanded for the substantive matter on 02.03.2019. He had been enlarged on bail for the substantive matter on 19.03.2019 by the learned Magistrate but he had engaged in the same act of shouting at his neighbour once again. Thereafter, he has been remanded under the Provisions of this act for shouting at the neighbour who was the witness in the substantive matter on 21.05.2019. The submissions of the Petitioner’s Counsel is that the Suspect Petitioner had been in remand for three years and that his mother is undergoing dialysis treatment which is a serious health hazard.

According to the submissions of the State Counsel in this matter the indictment has been filed in the instant matter and the trial is to commence on 08.07.2022.

According to the provisions of the instant act bail can be considered only upon exceptional circumstances by the Court of Appeal. In the instant matter the exceptionality alleged by the counsel for the Petitioner is that the period in remand and the health condition of the Petitioner’s mother.

It is observed by this Court that the instant act was enacted to ensure the rights of the victims and witnesses and also in the same time it has been said in the act that any action filed under this act should be concluded without delay, which in the opinion of this Court safeguards the rights of the accused under the Provisions of this act. But in the instant case the suspect had been remanded for three years without due administration of justice. Therefore, considering the period in remand this Court decides to enlarge the suspect J.M. Sugath Ranjan Jayakody on bail on the following conditions.

- (1) A cash bail of Rs. 50,000/-.
- (2) Two sureties to the value of 100,000/ each.
- (3) The suspect to report to the relevant police station on every Sunday of the month.
- (4) The suspect is severally warned not to harass the complainant in the instant matter, if it is reported when the trial is taken up in the High Court the instant order for bail would be cancelled.

The Registrar of this Court is directed to inform the above order to the relevant High Court . The instant application for bail is hereby allowed.

**JUDGE OF THE COURT OF APPEAL.**

**NEIL IDDAWALA, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL.**

Vkg/-