

**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 Crimes and  
Witnesses Act No 4 of 2015.

Chief Inspector  
The Officer in Charge,  
Criminal Investigation Unit,  
Police Station,  
Peradeniya.

**Complainant**

**Court of Appeal Case No:  
CA/Bail/06/2022**

**Magistrate's Court Kandy  
Case No: B 60612/2021**

Vs.

1. Sivagurunadan Sathyaseelan,  
No 370/1,  
Hadabima Janapadaya,  
Gal Oya,  
Hindagala.  
(Presently kept in Remand Prison at  
Bogambara (Pallekele))
  
2. Sivagurunadan kamaladasan  
No 371/1/1,  
Hadabima Janapadaya,  
Gal Oya,  
Hindagala.  
(Presently kept in Remand Prison at  
Bogambara (Pallekele))

**Suspects**

**And now**

Sivagurunadan kamaladasan  
No 371/1/1,  
Hadabima Janapadaya,  
Gal Oya,  
Hindagala.  
(Presently kept in Remand Prison at  
Bogambara (Pallekele))

**Suspect-Petitioner**

**Vs.**

1. Chief Inspector  
The Officer in Charge,  
Criminal Investigation Unit,  
Police Station,  
Peradeniya.

**Complainant-Respondent**

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

**Respondent**

**Before:**       **Hon. Justice Menaka Wijesundera**  
                  **Hon. Justice Neil Iddawala**

**Counsel:**     Nihara Randeniya for the Suspect-Petitioner  
                  Indika Nelummini, SC for the State.

**Decided on:** 27.06.2022

**Hon. Justice Menaka Wijesundera**

CA BAL-0004-22, CA BAL-0005-22, CA BAL-0006-22 and CA BAL-0007-22 are taken up for argument. Both the Counsel agree that it should be one order for all 04 matters.

The instant application has been filed under the Provisions of the Assistance to and Protection of Victims of Crimes and Witnesses Act, No.4 of 2015.

According to the Counsel for the Petitioners, the substantive matter has taken place on 25/06/2021 in which the suspect in this matter is supposed to have assaulted, abused and entered the properties of the complainants by force. Thereafter, according to the Counsel for the Respondent, the Petitioners have been absconding. After the Petitioners surrendered to the Police regarding the substantive matter on 08/07/2021, they have been arrested and remanded.

According to the submissions of the Counsel for the Petitioners, their defense is a defense of alibi and that the complainants have made bogus complaints against them. According to the statements of the complainants, the Petitioners had abused and threatened them with death.

According to the Counsel for the Petitioner, there had been a series of incidents of this nature between these two parties.

Therefore, the Counsel further avers that the complaints of the Complainants are bogus and do not carry any merit.

According to the submissions of the Respondents, indictment is due to be prepared and it would be submitted in due course to the relevant High Court against the Petitioners.

According to the provisions of the instant Act, bail can be considered only upon exceptional circumstances. The exceptionality urged by the Petitioners is the defense of alibi and the fact that the statements of the complainants are bogus and false.

But however, the Counsel for the Respondent states that the tower reports pertaining to the two suspects indicate that they have been in the vicinity of the area in which the incident had taken place. Therefore, she submits that bail should not be considered at this stage. But apart from that, the Respondents are not stating any other reason against granting of bail to the suspects.

Considering the submissions of both parties, it is the considered view of this Court, that as per the facts of the case, that bail should be considered in the instant matter.

As such, the Petitioners are enlarged on the following conditions of bail:

- 1) A cash bail of Rs. 50,000.00 each.
- 2) Two Sureties to the value of Rs. 100,000.00 each.
- 3) The Suspect to report to the relevant Police Station on every Sunday of the month.

4) The Suspects are severely warned not to interfere with the Complainants in any manner and if they do, the instant bail order will be cancelled.

The Registrar of this Court is directed to convey the instant order to the Magistrate's Court of Kandy.

As such, the instant application of bail is allowed.

**JUDGE OF THE COURT OF APPEAL**

**Hon. Justice Neil Iddawala**

I agree.

**JUDGE OF THE COURT OF APPEAL**

Tns/-