

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

**REPUBLIC OF SRI LANKA.**

In the matter of an application for Bail under Section 15B of the Prevention of Terrorism Act no 49 of 1979 as amended.

OIC

Counter Terrorism and Investigation Division,

Colombo 01.

Court of Appeal Case No:

**CA BAIL 21/2022**

Magistrate's Court of Colombo Case No: **B 48931 /08/21**

**Complainant**

Vs.

Divinia Nilushini Mannam Mugandan  
No.76, Pranthan, Kilinochchi.

**Suspect**

**AND NOW BETWEEN**

Divinia Nilushini Mannam Mugandan  
No.76, Pranthan, Kilinochchi.

**Suspect – Petitioner**

Vs.

1. OIC

Counter Terrorism and Investigation Division,

Colombo 01.

2. IGP

Police Headquarters, Colombo 01.

3. Attorney General,

Attorney General's Department

Colombo 12.

**Respondents**

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Nalinda Indatissa, PC with Umayangi Indatissa Instructed by Charith

Thuduwage.

Panchali Witharana, SC for the Respondents.

Argued on: 08.09.2022

Decided on: 12.09.2022

**MENAKA WIJESUNDERA J.**

The instant application has been filed to obtain bail to Divinia Nilushini Mannan Mugandan under the provisions of the Prevention of Terrorism Act No.49 of 1979.

The suspect alleges that she was arrested on 29.03.2021 by the, officers of the Counter Terrorism Investigation Unit in Colombo and detained under Section 9 of the Prevention of Terrorism Act. She had been produced before the Magistrate on 13.01.2022 for allegations under **Section 2(1)(h)** to be read with **Section 3(a)(b)** of the Prevention of Terrorism Act.

When the matter came up for hearing , the State Counsel appearing for the respondent stated that, on a policy decision taken by the Attorney General, that they are not objecting to this application to obtain bail for the suspect.

According to the provisions of **Prevention of Terrorism Act (Amended) by Act No.12 of 2022, Section 15(B)** says as follows, ***“Notwithstanding anything to the contrary in the provisions of this Act, if the trial against a person remanded or detained under this Act has not commenced after the expiration of twelve months, from the date of arrest, the Court of Appeal may release such person on bail, upon an application in that behalf, made by the suspect or an Attorney-at-Law on his behalf.”***

Therefore, as the suspect has been arrested on 29.03.2021 and in consideration of the submissions by the State Counsel, this Court decides to enlarge the above named suspect on following conditions of bail,

- (1) A cash bail of Rs.100,000
- (2) Two sureties to the value of Rs.200,000 each
- (3) The suspect to report to the Counter Terrorism Investigation Unit in Colombo on every last Sunday of the month.
- (4) The suspect to surrender the passport if any to the registrar of the Magistrate’s Court of Colombo

The instant application for bail is allowed. The registrar of this court is directed to convey the above bail order to the Registrar of the Magistrate Court of Colombo.

**Judge of the Court of Appeal.**

**I agree.**

**Neil Iddawala J.**

**Judge of the Court of Appeal.**