

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

In the matter of an applicant for Bail under and in terms of Bail Act Read along with Section 10(1) (a) of the Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015.

CA/Bail Application No. CA/BAL/64/2021
MC/Higurakgoda B1082/21

Muthuthantrige Ranil Prasanna
Muthuthanthri
No. 01
Kiri Oya
Polaththuwadiya
Aththaragallawa
(Presently detained at Polonnaruwa
Remand Prison)

Suspect-Petitioner

Vs.

Head Quarters – Inspector
Police Station
Bakamuna

Complainant-Respondent

Honorable Attorney General
Attorney General's Departments
Colombo 12.

Respondent

Before: **Menaka Wijesundera, J.**
 Neil Iddawala, J.

Counsel: Himalee Kularathna for the Petitioner
 Ridma Kuruwita, SC for the Respondent

Decided on : 07.09.2022

Menaka Wijesundera, J.

The instant matter has been filed to obtain bail for Muthuthanthrige Ranil Prasanna Muthuthanthri under the Provisions of the Assistance to and Protection of Victims of Crime and Witnesses Act. The allegation against the suspect is that he has threatened the father of a victim in a gang rape case. The suspect had gone to the Bakamuna Police on 12.08.2021, for another matter thereafter he had been detained for the instant matter and since then he had been in remand. The State Counsel appearing in this matter vehemently objected for bail being granted in the instant matter stating that there are no exceptional circumstances.

The State Counsel appearing for the Attorney General stated that the IB Extracts have not been received and in the substantive matter the suspects have been enlarged on bail. The Counsel for the Suspect-Petitioner stated that although the suspects in the substantive matter have been enlarged on bail there had been no violation of the bail conditions in the substantive matter.

This Court observes that the instant act has been inacted to safeguard the rights of witnesses and victims. But at the same time it is stated in the same act very clearly that precedence should be given for matters which have been instituted under the Provisions of this Act. But in the instant matter although the suspect has been in remand since 12.08.2021 at least the IB Extracts have not been submitted to the Attorney General. Therefore, there is no definite date of any judicial proceedings being instituted against the suspect. As such we consider these to be exceptional and decide to enlarge the suspect above named on the following conditions of bail:-

1. Rs. 50,000/- cash bail.
2. Two sureties to the value of Rs. 100,000/- each.
3. The suspect to report to the relevant Police Station on every last Sunday of the month.
4. The suspect is severely warned not to interfere with the victim or the victim's family in the substantive matter, if it is reported the instant order for bail would be cancelled.

As such the instant application is allowed and the Registrar of this Court is directed to inform the Registrar of the Magistrate Court of Higurakgoda of the current order.

JUDGE OF THE COURT OF APPEAL

Neil Iddawala, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Mm/-