

**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.

Court of Appeal Case No:  
**CA/BAL / 52 /2022**

Officer in Charge  
Police Station

High Court of Negombo Case  
No: **HC 1013 /19**

Negombo.

**Complainant**

Magistrate's Court of Negombo  
Case No: **M/ 40246**

Vs.

Ilangachcharige  
Rumesh

Chaminda

No. 41,

Palansena Road

Kattuwa

Negombo.

**Suspect**

**AND NOW BETWEEN**

Ilangachcharige  
Rumesh

Chaminda

No. 41,  
Palansena Road  
Kattuwa  
Negombo.

**Suspect – Petitioner**

Officer in Charge  
Police Station  
Negombo

**Complainant – Respondent**

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

**Respondent**

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Sheron Serasinghe for the Suspect Petitioner.

Nishanthi Nagastnam Sc for the Respondent.

Argued on: 24.01.2023

Decided on: 01.03.2023

**MENAKA WIJESUNDERA J.**

The instant application has been filed to obtain bail to the suspect by the name **Lllangarachchige Chaminda Rumesh** under the provisions of the **Assistance to and Protection of Victims of Crime and Witnesses act.**

The suspect in the instant matter had been produced under the instant act for threatening a witness in a case of rape.

The suspect had been in remand since 23.10.2021.

The main contention of the Counsel for the suspect is the delay in due administration of justice taking place against the suspect.

The Counsel for the respondents formally objected for the instant application.

The law pertaining to this matter is that a suspect produced and remanded under this act can be granted bail only upon exceptional circumstances by the Court of Appeal, and the term exceptional has not been defined in the act but our legal literature has held that exceptionality has to be determined by the facts of each case.

As such this Court observes that the suspect in the instant matter is in remand since 2021 without any meaningful action is being taken against him, hence we are of the opinion that, the delay itself is exceptional enough to enlarge the suspect on bail.

As such the instant application for bail is allowed and we direct the learned Magistrate to enlarge the above named suspect on suitable conditions of bail.

**Judge of the Court of Appeal.**

**Neil Iddawala J.**

**I agree.**

**Judge of the Court of Appeal.**