

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA.

In the matter of an Application for
Bail under and in terms of Section
10 (1) (a) of the Assistance to and
Protection of Victims of Crime and
Witnesses Act No: 04 of 2015.

Court of Appeal Case No:
BAIL / 75/2022

Magistrates Court of Kuliyaipitiya
Case No: **B 12179/2022**

Officer in Charge

Police Station

Narammala.

Complainant

Vs.

1.W.R.P. Krishantha Wijenayake

2.W.R.P Thushara Wijenayake

3.W.R.P Madhushan Wijenayake

4.W.R.P Nandasena alias
Karolathissa

Suspects

AND BETWEEN

Kannangara Arachchige Don
NiroshaShyamali Kannangara

No.64/3,

Kurunagala Road

Narammala.

Petitioner

Vs.

1. Officer in Charge

Police Station

Narammala

Complainant – 1st Respondent

2. Hon. Attorney General

Attorney General's Department

Colombo 12.

2nd Respondent

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Waruna Weerasooriya for the Petitioner.

Ridma Kuruwita, SC for State.

Argued on: 26.01.2023

Decided on: 07.03.2023

MENAKA WIJESUNDERA J.

The instant application has been filed to obtain under the provisions of the **Assistance to and Protection of Victims of Crime and Witnesses act.**

It has been alleged that the instant suspect and the other suspects had threatened a member of parliament who is a victim of a case pending in the Magistrates Court on **24.8.2022** and had been produced under the provisions of the instant act.

The Counsel appearing for the respondents objected to the application.

The investigations are not yet over.

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.

Upon considering the submissions of both parties it is the considered view of this Court that the suspect pertaining to this matter should be enlarged on bail and as such the instant application for bail is allowed and we direct the learned Magistrate to enlarge the suspect on suitable conditions of bail.

Judge of the Court of Appeal

Neil Iddawala J.

I agree.

Judge of the Court of Appeal.