

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

**CA. PHC/APN/104/13**

HC. Negombo Case No. 323/2002

Suppaiya Siva Kumara

(Presently detained at Negombo Remand  
Prison)

**1st Accused - Petitioner-Petitioner**

**Vs.**

1. The Democratic Socialist Republic of Sri Lanka

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

3. Officer-In-Charge,  
Police Station,  
Kochchikade.

**Respondent-Respondents**

Before : A.W.A. Salam, J. &  
W.M.M. Malinie Gunarathne, J.

Counsel : Prince Perera for the Petitioner  
Anoop de Silva, SSC for Respondent

Argued &

Decided on : 27.03.2014

A.W.A. Salam, J.

Parties are heard on the application. The impugned order is at P9 where the learned High Court Judge has stated that the bail application of the accused should be dismissed by reason of the fact that if the accused is enlarged on bail, the probability of his attending in Court is remote.

Learned counsel for the petitioner states that the learned High Court Judge has not considered the exceptional grounds and made an order on the merits of the application.

We are in agreement with the learned counsel and therefore set aside the order P9 and direct the learned High Court Judge to

inquire into the bail application and make an appropriate order taking into consideration the exceptional grounds urged in the application.

JUDGE OF THE COURT OF APPEAL

W.M.M. Malinie Gunarathne, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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