

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

In the matter of an application for Revision under and in terms of the Article 138 of the Constitution read together with the Section 365 of the Code of Criminal Procedure Act No.15 of 1979 against the orders dated 12.09.2018 and 01.03.2019 of the refusing bail by the Hon. High Court of Balapitiya.

CA (PHC) APN 65/2019

H.C. Balapitiya Case No:
Bail 3643/18

M. C Balapitiya
Case No: 7373

Arumahandi Janith Madhusanka Alias
Podi Lesi.

No. 06,

Temple Road, Thelwattha.

(Currently incarcerated in the Prison of
Galle)

Suspect-Petitioner

1. The hon. Attorney General
Attorney General's Department
Colombo 12.
2. The Officer in Charge
The Police Station – Batapola.

Respondent-Respondents

BEFORE : **Hon. Justice K.K. Wickremasinghe**
Hon. Justice Devika Abeyratne

COUNSEL : Neranjan Jayasinghe with I.B.S. Harshana for the
Suspect-Petitioner

Janaka Bandara SSC for the Hon. AG

DECIDED ON : 14/07/2020

Hon. Justice K.K. Wickremasinghe

Learned Counsel appearing for the Suspect-Petitioner informs Court that there is no evidence with regard to connection of the Suspect-Petitioner for possession of Heroin 475 milligrams (net quantity) according to the material available. Petitioner is in remand since 07/07/2018. Learned Senior State Counsel informs Court that he concedes to the fact that there is no evidence against the Appellant to charge him for the intended charge.

Considering the facts of the case, it is evident that there is no available evidence to connect this Suspect-Petitioner to the intended charge. The learned Senior State Counsel informs Court that there is no charge framed against the Suspect-Petitioner and not even a 'B' report filed against him. The present investigation does not reveal that the Suspect-Petitioner has any bearing on the above mentioned case. Therefore, the learned Senior State Counsel concedes to the Application made by the learned Counsel for the Suspect Petitioner to enlarge him on bail.

Accordingly, this Court order that the Suspect Petitioner to be enlarged on bail under following stringent Conditions:-

1. A cash bail of Rupees One Lack (Rs. 100,000/-)
2. A surety bail of Rs. 1,000,000/= each with two sureties suitable to the learned Magistrate.
3. Not to get involved himself with any other criminal activities or to influence witnesses in cases.
4. The suspect-Petitioner must report to the Officer-in-Charge, Police Station, Batapola, Ambalagoda once in two weeks (Sundays) from 9.00 a.m. to 12.00 p.m.
5. The passport to be handed over to the Police Station Batapola, Ambalangoda.
6. Immigration Authorities are ordered not to issue a fresh passport.

In case if the Suspect-Petitioner violates any above mentioned bail conditions he will be incarcerated until this pending cases is concluded.

Registrar is directed to send a copy of the order to the Prison Authorities, High Court of Balapitiya, Magistrate's Court of Balapitiya, relevant Police Station Batapola, Ambalangoda and immigration authorities.

JUDGE OF THE COURT OF APPEAL

Hon. Justice Devika Abeyratne

I agree.

JUDGE OF THE COURT OF APPEAL