

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIS

REPUBLIC OF SRI LANKA

IN THE MATTER OF AN
APPLICATION FOR REVISION
UNDER ARTICLE 138 OF THE
CONSTITUTION OF THE
DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA

CA (PHC) APN - 90/2019

HIGH COURT NEGOMBO HCAB - 555/17

MC MINUWANGODA B 1572/17

BASTIAN KORARALAGE
RANDEER ASIRI RODGRIGO,
#40, IMACULATE MARY ROAD,
HENDALA, WATTALA

(1st SUSPECT)

Vs.

HON. ATTORNEY GENERAL
ATTORNEY GENERAL'S
DEPARTMENT
COLOMBO-12

(RESPONDENT-RESPONDENT)

BEFORE : HON. JUSTICE ACHALA WENGAPPULI
HON. JUSTICE DEVIKA ABEYRATNE

COUNSEL : Tenny Fernando for the Accused Petitioner.
R. Bari, SSC for the Respondent.

DECIDED ON : 12.02.2020

HON. JUSTICE ACHALA WENGAPPULI

The Petitioner in this Revision Application seeks to vary a bail order made by the High Court of Negombo in Bail Application No 555/2017 on 05.01.2018. In enlarging the 1st Suspect Petitioner Bastian Koraralage Randeer Asiri Rodrigo on bail the High Court had imposed following conditions:-

First he should furnish cash bail of Rs.10, 000/- and secondly to provide Two sureties worth of Rs. 100,000/- surety bail. Thirdly he was directed to report to the Organize Crime Prevention Division located at Mihindu Mawatha, Colombo 12 on all Sundays between 9.00 a.m. and 12 noon. He was restricted in his foreign travel and the relevant authorities were informed of the restriction.

Learned Counsel for the Petitioner submits that an application was made to both the relevant Magistrate's Court as well as to the High Court for variation of the third bail condition to report on every Sunday to the said Organized Crime Prevention Division. However, his attempts to vary the said condition were unsuccessful as the learned High Court Judge is of the view that it should be the Magistrate's Court that should vary the condition.

It appears that the Accused was concerned with an offence committed under the Offensive Weapons Act. It is the High Court which was conferred with jurisdiction to grant bail upon such an allegation being leveled against the Accused. Therefore, when the High Court granted bail in Bail Application No. 555/2017, it is the order of the High Court and if there is a variation, it has to be done by the Court which made the order in enlarging the Suspect/or accused on bail.

Learned Senior State Counsel concedes to the application of the Petitioner.

This Court agrees with the submissions made by learned Counsel for the Petitioner and varies the 3rd bail condition. Accordingly, the

Suspect -Petitioner Bastian Koraralage Randeer Asiri Rodrigo should report to the Organized Crime Prevention Division located at Mihindu Mawatha, Colombo 12 on every last Sunday between 9.00 a.m. and 12.00 noon.

Application is allowed.

JUDGE OF THE COURT OF APPEAL

HON. JUSTICE DEVIKA ABEYRATNE

I agree.

JUDGE OF THE COURT OF APPEAL

YD/-