

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 Article 138 of the Constitution read with Section 11 of the High Court of Provinces (Special Provisions) Act No. 19 of 1990.

C. A. (PHC) APN No. 146/2019

H.C. Puttlam No. BA 24/2016

M.C Anamaduwa No. BR 568/ 2010

Liyanagamage Samantha,

No. 14, Ralapanawa Janapadaya

Nochchiyagama

(Presently at Negombo Prison)

5th SUSPECT- PETITIONER.

VS.

Hon. Attorney General

Attorney General's Department,

Colombo-12

RESPONDENTS

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

COUNSEL : Jaliya Samarasinghe for the Petitioner.
Chathurangani Mahawaduge, SC for the Attorney- General.

ARGUED & : 20th of February, 2020
DECIDED ON

HON. JUSTICE ACHALA WENGAPPULI

In this application the 5th Suspect- Petitioner was produced before the Magistrate's Court of Anamaduwa under case No. BR 568/ 2010/ A / NS and was enlarged on Bail. One of the bail conditions that were imposed by the High Court in enlarging him on bail, because allegation was one of murder, that he reports to Nochchiyagama Police Station between 9.00 am to 12.00 noon on every Sunday.

He had furnished the bail conditions but after sometime it was reported that he had violated the said condition by not reporting to police as per the bail conditions for well over 06 months period. He was charged for violating bail conditions before the Nochchiyagama Magistrate's Court under case No. 62476 and having pleaded guilty, he was fined.

In addition to that, the High Court of Puttalam, in its bail application No.24/ 2016, an order was made to remand him for violation of bail conditions and a subsequent application by the 5th Suspect- Petitioner to vary and to enlarge him on bail was denied.

Learned State Counsel having filed objections resisting the application by the 5th Suspect- Petitioner before this Court to revise the said Order of the High Court indicated to Court that although the Honorable Attorney General supports the order of the learned High Court Judge in refusing bail, if the 5th Suspect- Petitioner gives an undertaking that he would abide by the said condition of reporting to Nochchiyagama Police Station on every Sunday between 9.00am to 12.00 noon, he would not resist the application.

Learned Counsel for the Petitioner informs Court that the 5th Suspect- Petitioner undertakes to comply with the said bail conditions hereafter.

This Court therefore varies the order of the High Court dated 01.10.2019. It is varied enabling the 5th Suspect- Petitioner to be enlarged on Bail on the conditions already imposed by the High Court, in addition to the one mentioned above.

Learned State Counsel also undertakes to expedite the pending non summary inquiry still not reached its finality although 10 years had gone by.

Subject to the above variation of the bail order, the Petition of the 5th Suspect- Petitioner is dismissed.

Certified copy of today's Order be made available to the learned counsel for the Petitioner upon payment of usual charges.

Registrar of this Court is directed to issue certified copies of the order of the Court to the relevant High Court, Magistrate's Court and Officer-in- Charge of Nochchiyagama Police Station.

Learned Counsel for the Petitioner requests that the Order of the Court is communicated to the relevant parties by fax and he would bear the applicable costs in this special procedure.

JUDGE OF THE COURT OF APPEAL

HON. JUSTICE DEVIKA ABEYRATNE

I agree.

JUDGE OF THE COURT OF APPEAL

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