

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

In the matter of an application for Bail in terms of the provisions of the Code of Criminal Procedure Act read with Section 15(b) of the Prevention of Terrorism (Temporary Provisions) (Amendment) Act No. 12 of 2022.

Court of Appeal

Mohammed Bilal Ahamad

Application No:

08/10, Gunawardena Road,

CA/Bail /0502/25

Kawdana Road, Mount Lavenia.

(In remand)

Petitioner

MC Colombo

No. B/29553/03/2024

Vs.

1. The Director
Counter Terrorism and Investigation
Division,
149, Kirulapane Avenue,
Colombo-05.
2. The Attorney General
Attorney General's Department
Colombo-12.

Respondents

BEFORE : **P. Kumararatnam, J.**
R.P.Hettiarachchi, J.

COUNSEL **Hejaaz Hisbullah instructed by**
Neethika Partners for the Petitioner.
Wishwa Wijesooriya, SC for the
Respondents.

ARGUED ON : **17/09/2026.**

DECIDED ON : **16/10/2026.**

ORDER

P.Kumararatnam,J.

The Petitioner Suspect filed this Application and invoked the jurisdiction of this Court to grant bail to him upon suitable condition as this Court consider appropriate.

The Petitioner was arrested by officers attached to the Counter Terrorism and Investigation Division on 19.10.2024 under the Prevention of Terrorism Act No.48 of 1979 (Hereinafter referred to as the PTA) and made as a Suspect in case No.B/29553/03/2024 in the Magistrate Court of Colombo. He was arrested based on a foreign

intelligence that the Petitioner has alleged to have conspired an attack against the Israeli nationals staying in Sri Lanka under the PTA.

Initially, the Petitioner was summoned to 1st Respondent's officer to record a statement. Thereafter, he was held under a detention order till 17.01.2025 and produced before the Colombo Magistrate under above mentioned case number. He is in remand to date.

The Petitioner was produced under Section 2 (1) (g), 3 (a) (b) and 5 (a) b, of the Prevention of Terrorism (Temporary Provisions) Act No.48 of 1979 as amended by Act No. 12 of 2022. The learned Counsel for the Petitioner alleged that when the Petitioner was arrested, no evidentially materials has been produced before the Court except four photographs which were taken at Arugambe area. Therefore, he argues that the detention of the Petitioner under provisions of PTA is without any valid reasons.

The learned Counsel further submitted that the investigation does not reveal any unlawful activity on the part of the Petitioner. Further, there are no improvement or further decision being taken or informed by the Attorney General's Department even though the Petitioner concluded two years in detention and remand custody. A confession has been recorded against the Petitioner by the police.

The Section 15 B of PTA (Amendment) Act No. 12 of 2022 states:

Notwithstanding anything to the contrary in the provisions of this Act, if the trial against a person remanded or detained under this Act has not commenced after the expiration of twelve months, from the date of arrest, the Court of Appeal may release such person on bail, upon an application in that behalf, made by the suspect or an Attorney- at Law on his behalf:

In 15 B of PTA (Amendment) Act No. 12 of 2022, the key word is **“the trial”**. [Empasis added] If the trial has not commenced after 12 months

from the date of arrest, the Court of Appeal may release such person on bail, irrespective of whether the suspect has been indicted or not.

The learned State Counsel submitted that the investigation notes pertaining to this case has been received by the Attorney General's Department and registered under EER 04/2025. But no indictment is forwarded against the Petitioner up to now. The learned State Counsel opined that the Petitioner would most probably be indicted under Section 5 of the PTA. (Failure to give information).

The learned Counsel for the Petitioner admitted that the Petitioner has two pending matters before the High Court of Homagama and the High Court of Colombo. But he is on bail for both cases.

Since, two years passed and no legal action preferred against the Petitioner, I consider this is an acceptable circumstance to grant bail to the Petitioner. Hence, the Petitioner is granted bail subject to the following conditions:

1. Cash bail of Rs.100,000/=.
2. To provide 03 sureties. They must sign a bond of five hundred thousand (Rs.500,000/-) each.
3. The Petitioner and the sureties must reside in the address given until conclusion of his case.
4. Not to approach any prosecution witnesses directly or indirectly or to interfere with.
5. To surrender his passport if any, to court and not to apply for a travel document. The Controller of the Immigration and Emigration is informed of the travel ban on the Petitioner.
6. To report to the Director, Counter Terrorism and Investigation Division, No. 149, Kirulapane Avenue, Colombo 05 on the 2nd and the last Sunday of every month between 9am to 1pm.
7. Any breach of these conditions is likely to result in the cancellation of his bail.

The Bail Application is allowed and the Learned Magistrate of Colombo is hereby directed to enlarge the Suspect on bail on the above bail conditions.

The Registrar of this Court is directed to send this bail order to the Magistrate Court of Mullaitivu and, the Director, Counter Terrorism Division, No. 149, Kirulapane Avenue, Colombo 05.

JUDGE OF THE COURT OF APPEAL

R.P.Hettiarachchi, J.

I agree.

JUDGE OF THE COURT OF APPEAL