

1950

*Present: Windham J.*THE KING *v.* COORAY *et al.**Appeal No. 1 of 1950**S. C. 4—M. C. Colombo, 43,770*

*Court of Criminal Appeal—Bail pending appeal—Proof of exceptional circumstances necessary.*

In cases pending appeal to the Court of Criminal Appeal bail will be granted only in exceptional circumstances.

**T**HIS was an application for bail made in Chambers pending appeal to the Court of Criminal Appeal.

*M. M. Kumarakulasingham*, with *Eurdley Perera*, for 1st accused applicant.

*R. A. Kannangara*, *Crown Counsel*, for the Attorney-General.

January 19, 1950. WINDHAM J.—

This is an application for release on bail pending appeal. The applicant was convicted on 21st December, 1949, on a charge of criminal breach of trust and sentenced to six years' rigorous imprisonment. He was also convicted on a charge of conspiracy in respect of the same offence.

Release on bail will only be granted in cases pending appeal in exceptional circumstances. Having considered this matter carefully, I consider that there are in this case exceptional circumstances where I am justified in granting the application.

First of all the appeal will involve a large number of accounts, and the investigation of a large number of exhibits, 135 in number. Secondly, it has been stated on an uncontradicted affidavit on behalf of the applicant that since his conviction he has been an inmate of the prison hospital and is in a state of poor health. Thirdly, I am satisfied that the danger of the applicant absconding is very slight. Taking all these circumstances together I am satisfied that it is a proper case for the granting of the application. The applicant will accordingly be released on bail in a sum of Rs. 5,000 with two sureties. The applicant, who lives at Moratuwa, shall as a condition of the release be under the supervision of the Moratuwa Police pending hearing of the appeal. The Police will be directed accordingly.

*Application granted.*

