

**A CRITICAL STUDY OF REFUSING THE GRANT OF
BAIL IN MAGISTRATES' COURTS IN SRI LANKA**

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In Sri Lanka, the Magistrates' Courts have significant authority in making bail decisions, which are crucial to the administration of criminal justice. The constitution and bail laws affirm that bail is generally a right, albeit with certain limitations, and provide mechanisms for challenging bail decisions. Magistrates are required to provide reasons for denying bail, but it is observed that many suspects in the Magistrates' Courts, particularly in the Ampara District, are denied bail without such reasons being given. This practice adversely impacts the suspects' rights and may be influenced by external factors, including political motivations. This research investigates the legal and regulatory framework governing bail decisions, focusing on the practice of denying bail without assigning reasons. The study is driven by the hypothesis that the lack of reasoned bail refusals leads to significant disparities in justice outcomes, procedural delays, and undermines suspects' legal protections. To test this hypothesis, the research employs a multifaceted methodology: a comprehensive literature review to establish the theoretical and regulatory context; qualitative interviews and quantitative questionnaires with legal professionals; and a case law review from selected Magistrates' Courts in the Ampara District. Data collected through these methods will be analyzed to generalize the issue across Sri Lanka. The research aims to assess the compliance of bail refusal practices with legislative requirements, evaluate the impact of improper bail procedures on suspects' rights, and propose solutions to improve the bail system. By synthesizing data from various sources, the study seeks to provide evidence on the systemic issues within the bail process and offer recommendations to enhance fairness and prevent miscarriages of justice.

Key words: Bail, Reasoning for Bail Refusal, Administration of Criminal Justice