News



The premises of the Additional District and Sessions Court in Kottayam, Kerala state, India, in November 2019 (Saji Thomas)



by Saji Thomas

Contributor

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An Indian court Monday, July 13, canceled the bail of Bishop Franco Mulakkal of Jalandhar and issued a warrant to appear in court against the prelate accused of raping a nun multiple times from 2014 to 2016.

The action from the Additional District and Sessions judge in Kottayam, Kerala, came after the 56-year-old prelate failed to appear in court Monday to hear the charges against him.

Public prosecutor Jithesh J. Babu told Global Sisters Report that Judge G. Gopakumar passed "the stringent order" after the bishop refused to appear in court numerous times.

The court has fixed Aug. 13 for the next hearing.

Mulakkal is facing trial on rape charges after the former superior general of the Missionaries of Jesus, a congregation under the Jalandhar Diocese that Mulakkal oversees, accused him in June 2018 of raping her on multiple occasions at a convent guesthouse.

The Jalandhar Diocese covers the northern Indian state of Punjab, but the bishop's alleged abuses occurred almost 2,000 miles away in the congregation's convent in Kuravilangad, a village in Kottayam district, in Kerala.

The bishop denies the allegations as baseless and fabricated, labeling them a vendetta against him for initiating disciplinary action and other accusations against the sister.

The court also has ordered action against two persons who guaranteed the bishop's bail and suggested that the amount deposited should be seized for their failure to produce him before the court for trial.

Both had deposited 200,000 rupees ($2,700) each as surety. Mulakkal deposited the same amount as a personal guarantee, totaling about $8,000.

As the case came up for hearing July 13, Mulakkal's attorney again sought an adjournment, saying the bishop could not travel to Kerala because a lawyer in Punjab he consulted for legal opinion has tested positive for COVID-19. Since the

bishop is on the contact list of the attorney, he is under observation and hence cannot travel to the court for the proceedings.

The public prosecutor, however, disagreed and informed the court that the prelate had misled the court for the previous hearing on July 1 by providing false information that prompted an adjournment.

Mulakkal had stated that his residence in Punjab was in a coronavirus containment zone and that an official denied him permission to travel outside the state. But local newspapers in Punjab later reported that Mulakkal had not sought permission to travel and that his residence was not in a containment zone.

"This infuriated the court, which canceled his bail and issued a non-bailable warrant against him," the public prosecutor said.

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In the India courts, a "non-bailable" warrant is issued when an accused in a recognizable offense, such as rape or murder, refuses to join the court proceedings despite being given ample opportunities. Police then can arrest the accused and deliver him to the court because, once bail is canceled, the legal protection against arrest is removed.

"The trial court has done the right thing," said Michael Francis Saldanha, a former high court judge in Mumbai and Karnataka.

Saldanha had earlier written to the Kerala High Court voicing concern over Mulakkal's frequent absenteeism from the proceedings.

"Now Bishop Mulakkal is left with no option other than surrendering before the district court and seeking revocation of the cancellation of bail," Saldanha, a Catholic, told GSR.

"Since the court has issued a non-bailable warrant, no other court can cancel it and hence Mulakkal has no chance to appeal against it," the former judge explained.

Saldanha, however, clarified that Mulakkal could go to the Supreme Court to challenge the Kerala High Court's July 7 refusal to dismiss the case against him.

The top court in Kerala had also ordered the prelate to face trial, agreeing with the prosecution that ample evidence exists against Mulakkal in the case. It also concluded in its judgment that the prelate was trying to delay the court proceedings.

Both the First Information Report as well as the secret statement provided by the victim contain clear evidence in support of the charges, the high court said.

"In view of the above discussions, I find that the grounds raised by the petitioner in this revision petition are not tenable and hence rejected," wrote Justice V. Shircy.

Mulakkal went to the high court after the Kottayam district court on March 16 dismissed a similar petition.

Saldanha says going to the Supreme Court may not help Mulakkal because generally appellate courts "rarely interfere with the order of the trial court in such serious cases unless there is blatant violation of law."

Saldanha also wrote to Cardinal Oswald Gracias, the president of the Catholic Bishops' Conference of India, and to the apostolic nuncio to India seeking action against Mulakkal.

Meanwhile, Save Our Sisters, a laity movement that supports the rape victim and her five supporters, appealed to the Kerala government to send a police team to Jalandhar immediately to arrest Mulakkal and bring him back to Kerala.

"The prelate has been giving scant respect to the law and trying to escape from facing the trial," Shaiju Antony, the joint convener of Save Our Sisters, told GSR. "This has demoralized the rape survivor and her five companion nuns."

Antony, too, says the court has taken the right step to make the bishop appear in court. "If he still continues to abstain from the court, he will be declared an absconder and his properties will be confiscated," Antony explained.

The lay leader expressed the hope that the bishop "will not go to such extent and that the trial could start with his presence in the court on Aug. 13."

The movement also wants the Kerala government to keep Mulakkal in the southwestern Indian state until the trial is completed.



Bishop Franco Mulakkal of Jalandhar, India, is led away for questioning by police Sept. 19, 2018. (CNS/Reuters/Sivaram V)

Melwyn Fernandes, general secretary of Association of Concerned Catholics, another laity forum based in Mumbai, regrets that scandals like the Mulakkal case have tarnished the church's image. "Top church leaders in India have failed to address such issues before they became public scandals," the Catholic layman told GSR.

"It is high time the Vatican suspended Mulakkal and removed him from the bishop's house where he still lives," Fernandes said.

"It does not augur well for the church to allow him to continue to stay in the bishop's house before he proves his innocence in the court of law," Fernandes added.

He quotes the Vatican 2019 guidelines dealing with clergy sex abuse cases to assert that the church does not have to wait for the outcome of a civil probe to take action.

"The church has to initiate its own probe into such crimes and the Vatican should not waste time [waiting] for the Indian civil court to punish Mulakkal," he says.

Fernandes says the trial court's action has assured the survivor and her supporters that their concerns would be addressed.

Sr. Anupama Kelamangalathuveli, the spokesperson for the survivor and her supporters, told GSR, "We are happy with the court order," and refused to speak any further.

Meanwhile, Mulakkal's brother in law, P.P. Chacko, expressed surprise over the court order.

"We had produced documents to show he was under quarantine until July 23. The court had said it would issue a warrant, but did not mention anything about cancellation of bail," Chacko told GSR. "Now I am seeing it on a television channel that his bail has been canceled."

Chacko said they would consult "our legal team and decide about the future course of action."

Late Monday, Mulakkal's public relations officer issued a statement, saying, "We are all shocked to know that his bail is canceled."

The statement says the bishop could not come to court as he was in home quarantine in Jalandhar. He had requested a leave of absence and submitted relevant documents, the PR statement says.

It also denied the bishop had missed 13 court appearances before today, as reported in some media. "There were only four dates, till today, where [the] bishop did not appear. Two dates were taken by the lawyers for the preparation of submitting the review petition in Kerala High Court," the statement says.

According to the press release, the bishop was quarantined on July 6 and the administration rejected his application for the required travel pass. "These documents were duly submitted in the court. The court gave [the] bishop leave of absence," the statement holds.

The police arrested Mulakkal on Sept. 21, 2018, a fortnight after the five Missionaries of Jesus sisters staged a sit-in in Kochi, near the Kerala High Court. He was released on bail on Oct. 15. The Kerala police filed a 2,000-page charge sheet against him in April 2019.

Mulakkal continues to live in the Jalandhar Diocese, maintaining the title of bishop. The Vatican has relieved him of his duties and appointed an apostolic administrator to run the diocese, but did not suspend him.

[Saji Thomas is a freelance journalist based in Bhopal, a central Indian city. He has worked for several mainstream newspapers such as The Times of India. This article is part of a collaboration between GSR and Matters India, a news portal that focuses on religious and social issues in India.]

This story appears in the **Bishop Mulakkal trial** feature series. View the full series.