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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.12029 OF 2019

XYZ, through natural guardian
Vijay Uttam Bansode

..PETITIONER

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr H. P. Randhir, Advocate for petitioner;
Mrs P. V. Diggikar, A.G.P. for respondents/State

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 4th October, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. Considering the fact that the petitioner claims to be a minor and a rape victim, approaching this Court seeking permission to terminate the pregnancy, the Division Bench of this Court, by an order dated 30th September, 2019, permitted her to present herself before the Committee on 1st October, 2019. The Committee was further directed to examine the petitioner and submit its report to this Court on 3rd October, 2019. Later on, it was brought to the notice of this Court that

(2)

the petitioner is with the Child Welfare Committee, Jalgaon and it will not be possible to her to travel all the way to Aurangabad. Learned Asstt. Govt. Pleader was directed to take instructions. Accordingly, the instructions were taken by learned Asstt. Govt. Pleader and a statement was made before this Court on 1st October, 2019 that Jalgaon Government Medical College and Hospital exists and is functioning and the expert committee is also functioning. The petitioner was then directed to present herself before the Committee on 3rd October, 2019 and the Committee was directed to submit its report to this Court.

3. Today, learned Asstt. Govt. Pleader placed on record the report of the Committee for our perusal. Perusal of the said report shows that the petitioner is a minor girl. Though there is no substantial risk to fetus or mother if pregnancy continues, but for provisions under Section 3 of the Medical Termination of Pregnancy Act, 1971 as the petitioner is carrying pregnancy due to exploitation in the nature of rape, she can be permitted to terminate her pregnancy with due reasonable risk and consent procedure.

4. Our attention is invited to the order dated 10th December, 2018, passed in Writ Petition No.13738 of 2018 by the Division Bench of this Court at principal seat. On accepting the report, the permission for

(3)

termination of pregnancy was granted to the petitioner. The petitioner in the said matter was also a rape victim.

5. In view of above, we see no reason to take a different view than the view adopted by the Division Bench of this Court at principal seat. Accordingly, we permit the petitioner to undergo the exercise of termination of pregnancy.

6. Learned Asstt. Govt. Pleader, on instructions from Associate Professor of Jalgaon Medical College and Hospital, Jalgaon submitted that the petitioner is already admitted in the hospital and she is under the medical treatment.

7. The petitioner is permitted to report the Dean, Government Medical College and Civil Hospital, Jalgaon, tomorrow i.e. 5th October, 2019 at 10.00 a.m., where the necessary procedure shall be followed and performed. Needless to state that the competent board/authorities of Medical College and Hospital may follow the formalities including preservation of fetus, etc.

The petition is accordingly allowed and disposed of.

(4)

Authenticated copy of this order be supplied to learned Counsel for the respective parties.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

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