

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.15641 OF 2019

Mrs.Rekha Arjun Kedar & Anr. ... Petitioners.
V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr.Nitesh Acharya i/b Ms.Anjali Awasthi for the Petitioners.
Mr.Ashutosh Kumbhakoni, Advocate General with Ms.Kavita
Solunke AGP for the Respondent-State.

**CORAM : R. M. BORDE AND
N. J. JAMADAR, JJ.**

DATE : 18TH JUNE, 2019.

P.C.:

1] Not on board. Mentioned. Taken on board.

2] An affidavit has been presented by petitioner no.2 recording therein that she does not press the allegations recorded in the petition and withdraws the same unconditionally. Petitioner No.2 has further stated that she does not have any grievance against anyone, in relation to the allegations made in the petition. In view of the affidavit tendered, on record, by petitioner no.1 withdrawing unconditionally the allegations in respect of commission of offence of rape, no further investigation by police needs to be directed.

3] Petitioner No.2 is unmarried girl of about 19 years of age. She is carrying pregnancy of advance duration of 27 weeks as of today. There does not appear to be any physical

deformity noticed in fetus during medical examination nor sufferance of any danger to health of pregnant girl is reported. Petitioner No.2 has taken conscious decision not to press for grant of relief of termination of pregnancy as requested in the petition and she has, accordingly, recorded so in the affidavit tendered today. Considering the status of the petitioner no.2 that she would be unwed mother, who is of tender age of 19 years and stated to be pursuing college education, it would be appropriate to consider her request for providing assistance from Non-Governmental Organisation for conducting discreet delivery and to extend pre and post delivery counselling and for rendering assistance in giving child in adoption, in the event petitioner no.2 takes such decision and makes suitable request at appropriate stage.

4] Learned Advocate General appearing for the State informs that the petitioner no.2 may opt for securing assistance of Maharashtra State Women Council, Asha Sadan, Umarkhadi, Behind Dongri, Mumbai 400 009. The Superintendent of Asha Sadan is present before the Court and assures to extend co-operation as requested by the petitioner no.2. It is further informed that the petitioner no.2 would be permitted to secure admission to facility operated by Maharashtra State Women Council, Dongri and the said centre would take care of the petitioner no.2 during continuance of the pregnancy and until delivery and even for certain period after the delivery until the procedural formalities of giving new born baby in adoption are completed. Learned Advocate General further informs on instructions from Mr.Ravi Patil,

Deputy Commissioner, Child Development, Maharashtra that appropriate assistance would be provided to petitioner no.2 during continuance of the pregnancy and till new born child is given in adoption, if petitioner no.2 desires. Learned Advocate General invites our attention to section 35 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which refers to surrender of children by a parent or guardian, who for physical, emotional or social factors beyond their control, wishes to surrender a child, before the Committee for declaring that the child is free for adoption. The Child Welfare Committee is expected under law to take steps in the matter of completing formalities in respect of adoption of child within framework of the Act of 2015. It is informed by learned Advocate General that the facility operated by the Maharashtra State Women Council, Asha Sadan, Dongri, Mumbai would render necessary assistance to petitioner no.2 for securing certification that the child is free for adoption and for completing necessary formalities of giving new born child in adoption, if petitioner no.2 desires.

5] In view of assurances extended by respondent/State, the grievance raised by the petitioners in the instant petition stands redressed. The writ petition stands disposed of.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)