

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

WRIT PETITION NO. 6264 OF 2021

A. B. C.

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Suvidh S. Kulkarni, Advocate for the Petitioner
Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 04TH MAY, 2021.

FINAL ORDER :

. The petitioner seeks permission to terminate the pregnancy. The petitioner was referred to the Expert Committee at Government Medical College and Hospital, Aurangabad. The Expert Committee has examined the petitioner and submitted the report. The relevant part of the report reads thus :

13. Investigations done :

Sr. No.	Investigations done	
01	CBC, URINE ROUTINE	Hb:- 11.5, Urine RM-Normal
02	USG	Single live intrauterine gestation of 26 weeks 2 days.

14. Additional findings and observations : Unmarried pregnant woman, continuation of pregnancy can cause injury to mental health of pregnant women.

15. Physical fitness for termination - YES
Yes.
No.
16. Recommendations by Medical Board for termination :
Recommended.
17. Recommended Medical termination of pregnancy with due maternal risk, Surgical intervention & blood transfusion may be required. The risk involved in the said procedure is explained to the patient & her relatives.

Date and time : 28/04/2021 AT 2.30 PM

02. Mr. Kulkarni, the learned counsel for the petitioner submits that, today the petitioner has also filed complaint with the office of the Police Superintendent Jalna alleging that, on assurance given by one Parvez Shaikh that, he would marry with her had physical relations with the petitioner. Subsequently, after the petitioner was pregnant, he started blackmailing her and took her signatures on blank papers and by taking her to the Mosque and against her will performed marriage with her. The same is not accepted by the petitioner. She is cheated and her conversion is not accepted. The copy of the said complaint is taken on record and marked "X" for identification.

03. As the complaint is filed making allegations as observed supra, apart from the report of the Expert Committee recommending termination of pregnancy, the presumption would be that the pregnancy would constitute grave injury to the mental health of pregnant women. The complaint is already lodged. Further investigation is to be made by the Investigating

Officer.

04. In the light of the above facts and the opinion of the Expert Committee, we allow the petitioner to terminate the pregnancy at any Government recognized hospital. The hospital where the petitioner would terminate the pregnancy shall preserve tissue sample and blood sample of the foetus for carrying out necessary medical tests including DNA, finger printing/mapping. The Investigating Officer who would conduct the investigation in the matter shall ensure that the samples of tissues and blood etc. shall be forwarded to the Regional Forensic Laboratory, Aurangabad for DNA, finger printing/mapping and for carrying necessary tests and the samples and report shall be preserved for the purpose of trial of the offence.

05. The police authority/investigating machinery shall approach the hospital where the petitioner would terminate the pregnancy. The petitioner shall also inform the concerned police station about the day the petitioner is to terminate the pregnancy.

06. In the light of above, the writ petition is disposed of. No costs.

07. The parties to act on authenticate copy.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/May 21