

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

WRIT PETITION No. 647 OF 2021

Meghana Surendra Sapkal @

Meghana Sharad Wakchaure

Vs.

State of Maharashtra

....Petitioner

....Respondent

Ms. Aditi Saxena for Petitioner.

Mr. A.A. Purav- AGP for the Respondent-State.

**CORAM : A. A. SAYED &
 MADHAV JAMDAR, JJ**

DATED : 22nd FEBRUARY, 2021

P.C.:

1. Pursuant to the order dated 18th February, 2021, learned AGP has tendered the Report of the Medical Board. The Medical Board has given its recommendation in the following terms:-

“On clinical and sonographic examination mother has pregnancy of 21 weeks 4 days. She has no major medical and obstetric complications. Fetal chromosomal study (FISH) shows Trisomy 21. This anomaly is associated with variable physical and mental challenges with cognitive affections. This may have adverse impact on mental health of mother and family.”

Thus, medical termination of pregnancy is recommended with kind permission of Hon’ble High Court.”

2. Learned Counsel for the Petitioner submits that the Petitioner may be

permitted to undergo the medical procedure at a facility of her choice viz. Navjeevan Nursing Home. She has placed reliance on the order dated 5th December, 2019 in Writ Petition (Stamp) No. 29605 of 2019 (Jasmine Anwar Kezhakekekara Vs. State of Maharashtra) and in particular paragraph 19.

3. In terms of paragraph 19 of the said order, we also permit the Petitioner to undergo medical termination of pregnancy at a medical facility of her choice at Navjeevan Nursing Home, Sayyed Nagar, Hadapsar, Galli No.4, Pune – 411028. We are informed that the procedure shall be performed by Dr.Iqbal Shaikh/ Dr. Suhas Londhe/ Dr. Anand Jain. We make it clear that such procedure is permitted to be conducted at the said Medical Center as we are told that same has all the necessary permissions issued under the Maharashtra Termination of Pregnancy Rules, 2003 and the aforesaid doctors also satisfy the conditions laid down under the said Rules.

4. If the child is born alive, the Medical Practitioner/s, who conduct the procedure will ensure that all necessary medical facilities are made available for saving his/her life.

5. If the child is born alive and if the Petitioner is not willing to take responsibility of such child, then the State and its agencies will have to assume full responsibility for such child.
6. The Petitioner shall present herself by tomorrow i.e. on 23rd February, 2021 at Medical Center viz. Navjeevan Nursing Home and the procedure shall be done within two days.
7. The Petition is disposed of in the aforesaid terms.

(MADHAV JAMDAR, J.)

(A. A. SAYED, J.)