

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

**WRIT PETITION NO.4295 OF 2021**

X Y Z ... Petitioner

V/s.

Women's Hospital

Through its Dean/Officer Baramati & Ors. ... Respondents

Mr.Bharat Gadhavi with Mr.Vishal Navale i/b Tejesh Dande & Associates  
for the Petitioner.

Mr.A.B.Kadam AGP for the Respondent-State.

Ms.Shehnaz Bharucha for Respondent No.2.

**CORAM : UJJAL BHUYAN AND  
MADHAV J. JAMDAR, JJ.**

**DATE : 1ST SEPTEMBER, 2021**

**P.C:-**

Heard Mr.Bharat Gadhavi, learned Counsel for the Petitioner,  
Mr.A.B.Kadam, learned AGP for the Respondent-State and Ms.Shehnaz  
Bharucha for Respondent No.2.

2. On 18.08.2021 we had passed the following order :

“2. Petitioner seeks medical termination of her pregnancy on the  
ground that her pregnancy has occurred on account of the offence of  
rape being committed on her. It is stated that the fetus is presently at  
its 22nd week .

3. Having regard to the above, we direct Civil Surgeon, Civil  
Hospital, Baramati to constitute a medical board for examination of  
the petitioner and thereafter to submit a report before this Court in  
sealed cover on or before the next date.

4. Stand over to 25.08.2021.”

3. Thereafter the following order was passed on 25.08.2021 :

“3. Today when the matter is called upon, Mr. Kadam, learned AGP has placed before us report of the medical board dated 20.08.2021 which we have perused.

4. Relevant portion of the recommendation of the medical board reads as under:

“14. Additional findings and observation: Termination of pregnancy is required as patient is suffering from psychological trauma due to unwanted pregnancy as a result of rape. Termination of pregnancy at this advanced state of pregnancy may have high risk to maternal health including blood transfusion and need of operative intervention. Hence termination of pregnancy should be done in centre with facilities like blood bank and ICU backup.”

5. Thus we find that medical board has recommended termination of pregnancy of the petitioner. But having regard to the advanced stage of pregnancy it has been suggested that termination of pregnancy should be carried out in a centre having facilities like blood bank and ICU backup.

6. On a query by the Court, learned counsel for the parties submit at the Bar that B. J. Government Medical College and Sassoon General Hospital, Pune would be the ideal medical centre for carrying out medical termination of pregnancy in as much as it has facilities like blood bank and ICU beds.

7. Having regard to the above, we grant liberty to the petitioner to undergo medical termination of pregnancy in B. J. Government Medical College and Sassoon General Hospital, Pune expeditiously.

8. We may also add that since the petitioner has alleged that her

pregnancy is the outcome of rape committed upon her in connection with F.I.R. No.452 of 2021 registered with Baramati Taluka Police Station under sections 376(2)(f), 376(2)(n), 323 and 506 of the Indian Penal Code, 1860 read with sections 6 and 10 of the Protection of Children from Sexual Offences Act, 2012, it is directed that while carrying out medical termination of pregnancy blood, DNA samples etc. necessary for criminal investigation may be preserved and thereafter handed over to the investigating authority as and when required.

9. Outcome of the procedure shall be informed to the Court on the next date.

10. Stand over to 01.09.2021.”

4. Today, when the matter is called upon, learned Counsel for the Petitioner has informed us that medical termination of pregnancy of the Petitioner was successfully carried out today morning.

5. That being the position, nothing survives in the Writ Petition. Writ Petition is accordingly disposed of.

**[MADHAV JAMDAR, J.]**

**[UJJAL BHUYAN, J.]**