

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

WRIT PETITION NO.6516 OF 2021

XXXXXXX

... Petitioner

V/s.

State of Maharashtra

... Respondent

Mr.Ajinkya Udane i/b Ms.Megha Shashi Bajoria for the Petitioner.
Mr.S.L.Babar AGP for the Respondent-State.

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

DATE : 7TH OCTOBER, 2021.

P.C:-

Heard Mr.Ajinkya Udane, legal aid Counsel for the Petitioner; and
Mr.S.L.Babar, learned AGP for the Respondent-State.

2. Petitioner has alleged that she is a victim of rape relating to FIR No.345 of 2021 registered before Manpada police station under sections 376, 377, 452, 504 and 506 of Indian Penal Code. As a result of rape and sexual assault Petitioner is pregnant, her pregnancy being in its 14th week. Petitioner wants to abort the pregnancy.

3. When it was brought to the notice of learned legal aid Counsel that under provisions of the Medical Termination of Pregnancy Act, 1971 no permission as such is required if pregnancy has not crossed the 20 weeks barrier, he submits that Investigating Officer is unwilling to permit the Petitioner to undergo medical termination of pregnancy on the ground that it is a police case.

4. Having regard to the facts of the case and on due consideration, we grant liberty to the Petitioner to undergo medical termination of her pregnancy in Sir J.J.Group of Hospitals and Grant Government Medical College, Mumbai expeditiously. We further direct that the hospital authorities while carrying out the above procedure shall preserve the blood and DNA samples of the Petitioner and fetus for investigation and the same shall be handed over to the investigating authority after following appropriate procedure as and when required.

5. Since Petitioner is a victim of alleged rape and sexual assault her name may not be reflected in the order which we have passed and which will be uploaded.

6. We further direct learned legal aid Counsel to assist the Petitioner so that she can avail all benefits under victim compensation scheme including interim compensation.

7. With the above directions, Writ Petition is disposed of.

[MADHAV JAMDAR, J.]

[UJJAL BHUYAN, J.]