



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8500 OF 2024

XYZ
VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPLE
SECRETARY AND ANOTHER

....

Ms Ranjana D. Reddy, Advocate for the Petitioner
Ms Neha Kamble, AGP for the Respondent - State

....

CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

DATE : 12.08.2024

PER COURT :-

1. On 09.08.2024, we had passed the following order:-

“1. This matter was mentioned at 1:30 p.m., expressing a grave urgency since the request was for permission to carry out termination of pregnancy under medical supervision of the Medical Board. Therefore, we listed this matter at 2:30 p.m.

2. The facts relating to the present condition of the Petitioner (identity not disclosed), are set out in the First Information Report, dated 30/07/2024, bearing No.0617/2024, registered with the Police Station, Ahmednagar.

3. A report of the local Radiologist indicates that foetus is of 25 weeks.

4. *The Petitioner, who is the biological mother of the victim, agrees for a medical examination with the Government Medical College and Hospital, Chhatrapati Sambhajanagar.*

5. *In view of the above, we request the learned A.G.P to communicate to the Dean of the Government Medical College and Hospital, Chhatrapati Sambhajanagar, to carry out a medical examination of the victim at 10:00 a.m. tomorrow, i.e. on 10/08/2024. The medical examination report should include an opinion of the Medical Board, as to whether the foetus carries a beating heart and whether a live child with a beating heart is likely to be born if the termination of pregnancy is caused. The report should also include an opinion as regards the risk factors to the probable mother on account of undergoing such a medical procedure.*

6. *Let the report be generated by 5:00 p.m. tomorrow and be transmitted to the office of the learned Government Pleader via E-mail, tomorrow itself.*

7. *List this Writ Petition on Monday, i.e. on 12/08/2024 at Sr. No.1.”*

2. The learned AGP has tendered the copy of the medical report dated 10.08.2024, in Form-D under sub-clause(ii) of clause (b) of rule 3A. Six doctors who are members of the Medical Board, have signed the said report, which is taken on record and marked as “X” for identification.

3. The report indicates that the average gestational age of the foetus is 24 weeks and 6 days, as on 10.08.2024. The Medical Board has opined that the permission to terminate the pregnancy is granted. The foetus is said to be live with a beating heart. It is, however, opined that after termination of pregnancy, there are no chances of a live child being born. It is also stated that there is a reasonable risk for the patient undergoing medical termination of pregnancy and she may require blood transfusion and at times, surgical intervention. All risks have been explained to the patient and her parents, by the Medical Board. The final opinion is that the medical termination of pregnancy can be done with due risk.

4. The learned Advocate for the Petitioner submits that the parents of the minor make a statement that they are willing to face the risk and undergo the termination of pregnancy at the Government Medical College and Hospital at Chhatrapati Sambhajinagar. In the event, if any unforeseen event occurs, the parents and the patient would not blame the doctors performing the termination of pregnancy.

5. In view of the above, we accept the report and order accordingly.

6. This Writ Petition is disposed off.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS