



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 WRIT PETITION NO. 3248 OF 2025

XYZ
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND ANOTHER

...
Advocate for the Petitioner : Mr. A. B. Chormal
AGP for Respondent-State : Mr. R. K. Ingole
...

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.
DATE : 10.03.2025

PER COURT :-

The learned AGP tenders across the bar a report submitted by
the medical board dated 08.03.2025 opining as under :

“Additional Investigations (if done):

S.N.	Investigations done	Key findings
1	USG obstetrics anomaly scan	USG obstetrics ultrasound scan 08/03/2025- Single intrauterine G-sac like structure measuring 1.4 CM corresponding to 6 weeks 2 days having secondary yolk sac, no fetal pole seen at present no cardiac activity at present scan.
2	CBC, Urine routine	HB- 11.6gm, TLC 14200, PLATELET 4.29 Lac/mm

***Opinion by Medical Board for termination of pregnancy:
Allowed***

Justification for the decision:

The pregnancy needs to be terminated on therapeutic grounds with due surgical and anesthesia risk at any Government recognized center, which is convenient to the patient and relatives after taking consent from parents.

Physical fitness of the woman for the termination of pregnancy: is taken.”

2. The report is purportedly submitted under Rule 3A of the Medical Termination of Pregnancy Rules, 2003, on our reference for opinion.

3. We have heard learned advocate for the petitioner and the learned AGP. The petitioner is a victim of rape barely 14 years of age, wherein, the accused has been prosecuted under Section 137(2) of BNSS Act, 2023 by registration of F.I.R. No.0026 of 2025 dated 17.01.2025 with Shirdi Police Station.

4. Considering explanation to Section 3(A)(ii), since admittedly, the petitioner is a victim of a rape and has become pregnant, considering the aforementioned opinion, in our considered view, permission needs to be granted for termination of pregnancy.

5. As requested by the learned AGP, since it is a matter of crime, it would be necessary that DNA sample is preserved.

6. The learned Advocate for the petitioner informs that both the parents of the victim are consenting and the process would be undertaken in the Civil Hospital at Ahilyanagar.

7. The petition is allowed. Permission is granted for termination of pregnancy subject to condition that both the parents consent and the DNA sample of the foetus is preserved.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)