



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5917 OF 2025

XYZ Through Guardian
Versus
The State of Maharashtra and another

...
Advocate for the petitioner : Mrs. V.A. Shinde
AGP for the respondent – State : Ms. S.S. Joshi
...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.**

DATE : 3 MAY 2025

ORDER (MANGESH S. PATIL, J.) :

This is a petition by the victim of a sexual abuse wherein she was impregnated and carries pregnancy of more than 24 weeks, stated to of 28 weeks, seeking permission for termination of pregnancy in the light of the provisions of the Medical Termination of Pregnancy Act, 1971, as amended in the year 2021, with the consensus of both the parents.

2. The matter was mentioned being urgent last evening. We had directed the Medical Board of respondent no. 2 to clinically examine the victim in presence of her parents and to report.

3. We have received the report through the Registry from the Medical Board, headed by the Dean of the Government Medical College and Hospital, Jalgaon and signed by all the members of the board comprising of a Gynecologist, a Pediatrician, a Doctor of

Medicine, Radiologist, and a Psychiatrist, dated 3 May 2025, which is marked 'X' for the purpose of identification.

4. It has been opined that risk is involved in continuation of pregnancy as the victim is barely 13 years and 10 months old, however, without the leave of the Court, they cannot terminate it.

5. We have heard both the sides and perused the report of the Medical Board.

6. There is no dispute about the fact that the petitioner got impregnated because of the sexual assault. She is barely 13 years and 10 months old. Both the parents are consenting for termination of the pregnancy *albeit* it is more than 24 weeks and is around 28 weeks.

7. Considering the afore-mentioned circumstances and the opinion of the Medical Board, considering explanation (2) of clause (b) of sub-section (2) of section (3) of the Medical Termination of Pregnancy Act, 1971, the pregnancy having been caused by rape, the anguish caused to the victim, in our considered view, would constitute grave injury to the mental health at such a tender age.

8. Taking all the afore-mentioned aspects into consideration, it would be appropriate that with the consent of both the parents, making them aware about the risks involved if termination of pregnancy is attempted at this stage and taking the victim and the parents in

confidence, permission can be granted for termination of the pregnancy.

9. We dispose of the writ petition directing respondent no. 2 – Government Medical College and Hospital, Jalgaon under the Chairmanship of the Dean of the college, to undertake termination of the pregnancy of the petitioner – victim by tomorrow, i.e. 4 May 2025. Her parents shall keep her present before the Medical Board. The Medical Board shall ensure that both the parents are apprised of the risk involved. Thereafter with their consent, the procedure fbe undertaken.

10. The DNA sample shall be preserved and handed over to the Investigating Officer, who shall collect it from the Government Medical College and Hospital, Jalgaon as early as possible, and in any case, within a week.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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