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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11314 OF 2025

X. Y. Z.

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Abhishek S. Nandimath (Thr VC), Adv. Shardul Diwan & Adv. Suyash Khose for the Petitioner.

Mr. A. A. Naik AGP for the Respondent-State.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : September 24, 2025.

P. C. :

- 1. Rule.** Rule made returnable forthwith and taken up for final disposal with consent of the parties.
- 2.** The Petitioner, who is the victim/prosecutrix in connection with C.R. No. 572 of 2025 registered with Satara City Police Station, Satara seeks permission to terminate her pregnancy of 23 to 24 weeks gestation, which is the consequence of the offence registered by her under Sections 64(1), 64(2)(m), 351(2), 352, 69, 89, 88, 115(2) of the Bhartiya Nyaya

Sanhita, 2023 and also under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. By order dated 18th September 2025, this Court had directed the Petitioner to be examined by the Medical Board comprising of Gynecologist, Pediatrician and Radiologist at the Government District Hospital at Satara. Pursuant thereto, the Petitioner has presented herself for medical examination at the Government District Hospital at Satara on 20th September, 2025 at 11:00 a.m.

4. By order dated 22nd September, 2025, this Court had requested the Medical Board to submit a report as per the prescribed format under the Medical Termination of Pregnancy Act, 1971 (for short “*the MTP Act*”). Pursuant to the directions passed by this Court the report of the Medical Board has been submitted to this Court. Upon perusal of the said report, we find that opinion of the Medical Board is in favour of the termination of pregnancy.

5. In so far as the physical fitness of the Petitioner is concerned, the finding of Medical Board is in favour of the Petitioner and there is mention of risk of medical complication and procedure is advised after the admission of the Petitioner. The Medical Board has come to a finding that the Petitioner is physically fit to undergo the medical termination of

pregnancy.

6. Learned Counsel for the Petitioner, on instructions, submits that the Petitioner wants to undergo the procedure at the Government Hospital at Satara.

7. Considering that the opinion of the Medical Board favours the termination of pregnancy after examination of the Petitioner, we are inclined to allow the Petition. Hence, the following order is passed.

::ORDER::

a) The Petitioner is permitted to terminate the pregnancy through the registered Medical Practitioner at the Government Hospital at Satara where she was examined.

(b) The DEAN of the hospital to ensure that the procedure of termination of pregnancy is carried out in accordance with provisions of the MTP Act.

c) The blood sample and the tissue samples of the foetus to be preserved for conducting the necessary test including DNA test for purpose of trial.

d) The Investigating Officer to forward the sample to the Forensic Science Laboratory for preservation of the samples for the purpose of trial.

e) In event, the child is born alive the hospital to take all

precaution and care and provide all medical facilities to ensure that the child's life is saved. In event, the child is born alive and the Petitioner is not willing to accept the child, it would be responsibility of the State Government and its agencies to ensure that the child is placed under the care of the Child Welfare Committee.

f) The Petitioner be admitted in the Satara Government Hospital by 3:00 p.m. today for undergoing the necessary procedure.

8. Writ Petition stands disposed of.
9. Rule is made absolute in the above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]