

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

CIVIL WRIT PETITION NO. 6900 OF 2024

XYZ

... Petitioner

Versus

The State of Maharashtra
through The Principal Secretary,
Public Health Department

... Respondents

Ms. Kanchan Tanaji Pawar for the Petitioner

Ms. M. P. Thakur, A.G.P for the Respondent No.1-State

Ms. Purnima Awasthi for the Respondent No. 2-UOI

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
(IN CHAMBERS)
THURSDAY, 9th MAY 2024**

P.C :

1 Vide order dated 8th May 2024, we had requested one
of the doctors, who is a signatory to the report dated 4th May
2024 to appear before us through Video Conferencing today, so
as to enable us to pass appropriate orders.

2 Accordingly, Dr. Sandeep Phopale from J. J. Hospital
is present before us. We have interacted with him.

3 By this petition, the petitioner No. 2 seeks permission
to terminate the pregnancy of 26 months of her unmarried
daughter, aged 26 years, who is suffering from *Primigravida with
Intellectual Disability with K/C/O Disorder (Mental Retardation
with Epilepsy)*.

4 The report of the Medical Board is annexed to the
petition at Exhibit 1' at page 16 of the petition. The said report
is dated 4th May 2024. As per the opinion of the Medical Board,
the pregnancy can be terminated on humanitarian ground and
having regard to the petitioner's intellectual disability.
Dr. Phopale, one of the doctors, who was part of the Medical
Board, submits that continuation of the pregnancy, having regard
to the intellectual disability of the petitioner No. 1 will cause

further trauma to her, considering her mental age, i.e. of 6 to 8 years.

5 Considering the report of the Medical Board that the pregnancy can be terminated, we allow the petition and as such, permit the petitioner No. 1 to undergo MTP at J. J. Hospital, Mumbai. The doctors of the J.J. Hospital to keep the petitioner No. 1 in the Hospital till the petitioner No. 1 recovers physically. The counsellors i.e. Psychiatrist/Psychologist to counsel the petitioner No. 1 and ensure that she is in a proper condition before she is discharged from the J.J. Hospital.

6 Whilst carrying out the procedure, the necessary blood and tissue samples be preserved, so that the same can be sent to the investigating officer, in the event, a case is registered. We may note, at this stage, that no FIR is registered, as neither the petitioner No. 1 nor petitioner No. 2 is aware of the perpetrator.

7 Considering that the petitioner No. 1 is a victim of sexual assault and having regard to her intellectual disability, and in the peculiar facts of this case, and having regard to the fact that the petitioner No. 2-mother of petitioner No.1 has lost her job and there is no other male member in the family, we direct the State Government i.e. Ministry of Women and Child, to transfer an amount of Rs. 25,000/- directly into the account of the petitioner No. 2 within one week from today.

8 The learned A.G.P to take instructions whether the Manodhairya Scheme would apply to the petitioner, since no FIR has been lodged.

9 In the meantime, the learned A.G.P to ensure that the State Government i.e. Ministry of Women and Child, disburses Rs. 25,000/- directly into the account of the petitioner No. 2, within one week from today, considering the petitioner's plight.

Learned counsel for the petitioner to communicate to the A.G.P the exact bank details of the petitioner No. 2, so as to enable the State Government i.e. Ministry of Women and Child, to comply with the same.

10 At this stage, learned counsel for the petitioner seeks leave to amend to implead the Principal Secretary, Ministry of Women and Child and Ministry of Disability Welfare as party respondents. Amendment be carried out forthwith. Learned A.G.P to take instructions whether any financial assistance can be rendered to the petitioner No.1, keeping in mind the facts of this case.

11 Stand over to **12th June 2024.**

12 All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.