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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13078 OF 2025

XYZ ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mrs. Manisha Jagtap for the Petitioner.

Mrs. M.P. Thakur, A.G.P for the Respondent-State.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
DATE : 9th OCTOBER, 2025
(IN CHAMBERS)

P.C. :

1. By this petition, the petitioner, aged 15 years and 8 months, a victim of sexual assault, seeks termination of her pregnancy which is of 27.4 weeks.

2. Vide order dated 6th October, 2025, we had directed the respondent No.5 – Sir J.J.Hospital, Mumbai, to constitute a Medical

Board, in terms of the Medical Termination of Pregnancy (Amendment) Act, 2021 read with the Medical Termination of Pregnancy Act, 1971, for examining the petitioner. The petitioner was accordingly admitted to Sir J.J.Hospital, Mumbai on 7th October, 2025, so as to enable the Medical Board so constituted by the respondent No.5, to examine the petitioner.

3. Post petitioner's examination, the Medical Board has submitted its report to this Court on 8th October, 2025 in a sealed envelope. On opening the report and perusing the same, we deemed it appropriate to interact with the Doctors, who had examined the petitioner. Pursuant thereto, the matter was kept today in Chambers, to interact with the Doctors of Sir J.J.Hospital, Mumbai.

4. From a perusal of the report, the Medical Board has opined that the petitioner is a 15 years old unmarried girl, with 27.5 gestational age, a victim of sexual assault, can undergo medical termination of pregnancy with usual risks. They have further opined

that the mother is presently, physically and mentally fit to undergo MTP.

5. After interacting with the Doctors of Sir J.J.Hospital, Mumbai, they were of the opinion that considering the psychological condition of the petitioner and of her being petite, she may have issues in the third trimester leading to health issues, including surgical intervention. The Doctors have recommended that the petitioner, if not permitted to undergo termination of her pregnancy can lead to grave impact on the petitioner's mental health. The petitioner is a student, studying in a junior college and we are informed that she wants to continue her education. As noted above, termination of pregnancy is recommended and according to the Doctors, continuation of pregnancy may cause risk to the petitioner who is petite requiring surgical intervention and other health issues.

6. Considering the medical report and after interacting with the Doctors of Sir J.J.Hospital, Mumbai, we deem it appropriate to

permit the petitioner who is victim of sexual assault, to terminate her pregnancy of 27.5 weeks. We are informed by the learned Counsel for the petitioner, that the petitioner would like to get her MTP done in Sir J.J.Hospital, Mumbai. The Hospital Authorities are also ready to perform the said MTP. Accordingly, the MTP to be performed at Sir J.J.Hospital, Mumbai, with the consent of the petitioner's guardian, expeditiously.

7. Needless to state, that if the child is born alive, it shall be the responsibility of the State Government to take care of the child since the petitioner is a victim of sexual assault.

8. Accordingly, the petition is allowed and as such, the petitioner is permitted to undergo MTP at Sir J.J.Hospital, Mumbai.

9. The Hospital Authorities shall provide post-delivery care to the petitioner including neo-natal care for the child, if so required. Considering that, the petitioner is a victim of sexual abuse, the Hospital Authorities shall also provide for counseling, post delivery.

10. The Hospital Authorities to preserve the appropriate tissue/DNA sample of the fetus/child after its birth and forward the same to the investigating officer for ensuring criminal trial.

11. In the event the child survives, the State Government to take all steps to ensure the welfare and well-being of the child.

12. The State Government is directed to process the compensation under its 'Manodhairya Scheme' and disburse the amount receivable by the petitioner expeditiously.

13. Petition stands disposed of on the aforesaid terms.

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

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.