IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 14378 of 2026

==========

XYZ THROUGH HER MOTHER
Versus
STATE OF GUJARAT & ORS.

==========

Appearance:
MS. BHAVNA D ACHARYA(6406) for the Applicant(s) No. 1
MS.MONALI BHATT, APP for the Respondent(s) No. 1

==========

CORAM:**HONOURABLE MRS. JUSTICE M. K. THAKKER**

Date : 01/10/2026

ORAL ORDER

1. The present petition has been filed seeking permission to terminate the pregnancy of the victim, who is aged 15 years and 8 months.

2. This Court has passed the following order at the time of issuance of notice dated 30.09.2026:

1. Heard Ms.Bhavna Acharya, learned advocate for the applicant- victim.

2.The applicant has prayed for the following reliefs:

(A) Your Lordships be pleased to admit and allow the present petition.

(B) You Lordships be pleased to issue a Writ of Mandamus or a Writ in nature of Mandamus or any other appropriate writ, orders or directions to the respondent No.3 to terminate the pregnancy of about 27 weeks and 2 days as on 29.09.2026 at the earliest, as the continuance of pregnancy would cause grave injury to the petitioner in the interest of justice.

(C) Pending admission, hearing and final disposal of this petition, Your Lordships be pleased to direct the respondent No.3 authority to undertake necessary Medical Tests of the petitioner by the qualified surgeon/s including Gynecologist, Obstetrician, in presence of a

qualified physician with due care and precaution, so as to avoid any likelihood of untoward harm to the physical or mental health of the petitioner and to submit report thereof to this Hon'ble Court with immediate effect or at earliest as deemed fit and proper to this Hon'ble Court for its subjective satisfaction in the interest of justice.

(D) This Hon'ble Court be pleased to pass such other and further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances mentioned above.

3. The victim has lodged an FIR being 11199027260626 of 2026 against the accused for the offences alleged under sections 64(2)(m), 64(2)(i), 65(1) of BNS and sections 4(2),6, 12 of POCSO with the concerned Police Station, which has been registered on 26.09.2026. The allegations made in the FIR against the accused prima facie suggest the applicant being a victim of sexual abuse. From the report placed on record at Annexure "C", it transpires that the victim is aged 15 years 08 months and at present, she is carrying pregnancy of approximately 27 weeks 02 days.

4. Considering the submissions the Medical Board at General Hospital, Bharuch are directed that victim may be examined by a panel consisting of Senior doctors of all concerned fields, at General Hospital, Bharuch, tomorrow i.e 01.10.2026. The applicant is directed to appear before the Medical Board at General Hospital, Bharuch, for medical examination tomorrow i.e 01.10.2026 at 10:00 am. The respondent no.3 - The Chief District Medical Officer Cum Civil Surgeon, General Hospital, Bharuch, is directed to submit a report as to whether termination of pregnancy is medically feasible or not by ***2:30 pm tomorrow i.e 01.10.2026****. The Investigating Officer is directed to remain present on the next date of hearing, with the report of the medical examination of the victim.*

5. Noticing the averments made in the petition, let the name of the victim may not be disclosed in the orders which may be subsequently passed as well as on the medical records or any documents which are publicly made available.

6. Registry is directed to send the copy of this order to the respondent no.3 - The Chief District Medical Officer Cum Civil Surgeon, General Hospital, Bharuch ***via e-mail*** *in an* ***expeditious manner.*** *Learned APP Ms.Monali Bhatt is directed to communicate this order to victim as well as respondent no.3 "*

3. On 01.10.2026, a report was submitted by the learned APP, from the Chief District Medical Officer Cum, Civil

Surgeon, General Hospital Bharuch, and that the victim is carrying a pregnancy of 27 weeks and 02 days. Accordingly, this Court directed that the victim be examined by the Panel Doctors at General Hospital, Bharuch and that a report be submitted regarding the possibility of termination of the pregnancy and the risks, if any, associated therewith.

4. Pursuant to the aforesaid direction, the Chief District Medical Officer Cum, Civil Surgeon, General Hospital Bharuch has submitted a report, which reads as under:

> *"This is certified that the patient Kajal Rasikbhai Rathod age 15years 8month/Fermale resident of Karmad Ta. Jambusar, Dis. Bharuch. Brought by WPC Dimpal Ashokbhai Chaudhary Buckel No. 2052 with Police Yadi with Cr No. 11199027260626/2026 by Jambusar police station. She was examined by the Gynecologist at Civil Hospital Bharuch Managed by KMCRI. History of forceful sexual assault by Vijay Vikrambhai Rathod age 21 years/Male of Karmad village Tal. Jambusar Dis. Bharuch, presented*
>
> *On clinical examination her pulse rate-82/min, BP-122/76 mmhg, Spo2-98% on room air, on per abdominal examination 26 weeks of pregnancy was detected by the gynaecologist.*
>
> *As per laboratory Report her HB-10.1 gram%, Blood group - B positive, sickling test negative, CBC, LFT, RFT-within normal limit. HIV, HCV, HBSAG-non-reactive.*
>
> *On pre-operative examination no any medical, surgical, infectious and psychiatric illness or abnormalities detected.*
>
> *Diagnosis-27 weeks 2 days (by USG on 28/09/2026) of normal pregnancy in view of sexual assault.*
>
> *Opinion - Medical Termination of pregnancy of the above mentioned patient can be done by a panel of Gynaecologists under the*

supervision of General physician, paediatrician, anesthestist and psychiatrist with due risk.

Place: Civil Hospital Bharuch.
Date: 01/10/2026
Time: 10:30AM

In MTP in above case due risks are per and post partum haemorrhage, seizures and infection which have been explained to the victim and her parents"

5. It is opined by the Chief District Medical Officer Cum, Civil Surgeon, General Hospital, Bharuch, comprising specialists from the Departments of Obstetrics and Gynaecology, Psychiatry, Anaesthesia and Medicine, that medical termination of the pregnancy is not advisable, as the victim is presently carrying a pregnancy of 27 weeks and 02 days and there are risks of per and post partum hemorrhage, seizures and infection if MTP is carried out at this stage.

6. This Court has conveyed the contents of the medical report to the learned advocate for the petitioner, who, in turn, has explained the complications indicated by the Chief District Medical Officer Cum, Civil Surgeon, General Hospital, Bharuch. In the aforesaid background, learned advocate submits that the victim does not wish to terminate the pregnancy. At the same time, it is

submitted that the victim belongs to the economically weaker section of society and that her parents are engaged in labour work. It is submitted that the parents came to know about the sexual assault committed upon the victim by the accused only when the victim was carrying a pregnancy of such advanced stage, whereupon they immediately lodged the F.I.R. and thereafter approached this Court by filing the present petition. It is further submitted that the victim is aged 15 years and 8 months and that, having regard to her age and her present mental and physical condition, she may not be in a position to bear the responsibility of raising the child. Learned advocate, therefore, submits that, if the State Authorities are directed to provide appropriate financial assistance/compensation to the victim at the earliest, such assistance would be of considerable help to her at the time of delivery and thereafter. It is also submitted that, in the event the victim and her parents do not wish to retain the newborn child, appropriate directions may be issued for handing over the child to the Special Adoption Agency at Bharuch, in accordance with law.

7. Considering the submissions advanced by learned advocate, more particularly, the opinion expressed by the Chief District Medical Officer Cum, Civil Surgeon, General Hospital Bharuch and the complications indicated therein, the victim does not press the prayer seeking termination of the pregnancy.

8. In that background, this petition is disposed of with the following direction:

   (i) The Chief District Medical Officer Cum, Civil Surgeon, General Hospital Bharuch, shall take appropriate steps for regular follow-up and monitoring of the health of the minor victim until delivery. Appropriate medical care shall also be provided to the newborn child, including neonatal care, as may be required, so as to ensure the proper care and well-being of the newborn child.

   (ii) The Investigating Officer, is directed to ensure that necessary transportation facilities are provided to the victim from her residence to General Hospital Bharuch for regular medical check-ups and for delivery of the child. If required, General Hospital Bharuch shall make necessary arrangements for admission of the victim and

shall provide adequate nutritional support during the period of her treatment and stay at the hospital. The Child Protection Officer shall supervise and ensure appropriate care and protection of the victim and the newborn child. The victim shall also be provided with appropriate medical and psychological care by a team comprising gynecologists and experts in the field of psychology at General Hospital, Bharuch.

(iii) All necessary arrangements shall be made by the concerned institution for the adoption of the newborn child before the expected date of delivery, after obtaining the consent of the victim and her parents, while keeping in mind the trauma suffered by the victim on account of the alleged crime committed against her.

(iv) In the event that, after delivery, the victim and her parents do not wish to retain the child, the Secretary, District Legal Services Authority, shall take necessary steps for handing over the child to the Specialized Adoption Agency at Bharuch, in accordance with law. The Secretary, District Legal Services Authority, shall also ensure that all necessary facilities and assistance are provided for the better future and rehabilitation of

the victim, including education and vocational training, as per the wishes and requirements of the victim.

(v) All requisite details pertaining to the F.I.R. and the medical treatment shall be furnished by the Investigating Officer to the concerned D.L.S.A. to get compensation under Victim Compensation Scheme for release of interim compensation to the victim girl at the earliest. The concerned authority shall also take all necessary steps to ensure the expeditious release of the remaining compensation payable to the victim girl.

(vii) Upon delivery of the child, a DNA sample of the newborn child shall also be collected and sent to the Forensic Science Laboratory (FSL) for examination. The FSL report shall thereafter be placed before the concerned Trial Court.

(viii) Periodical health check-ups of the minor victim and the newborn child shall be undertaken by the concerned Medical Officer. The State Government, through the Investigating Officer, shall bear the expenses towards the delivery, including the cost of medical treatment and nutrition of the victim, as well as the post-delivery medical expenses and treatment of the newborn child,

immediately after delivery.

(ix) The Deputy Director, Social Defence Department, shall coordinate with all the concerned agencies until the matter reaches its logical conclusion and shall ensure the smooth and effective implementation of all the directions issued by this Court.

9. **Direct Service today** is permitted.

(M. K. THAKKER,J)

ARCHANA S. PILLAI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ARCHANA SAJEEVKUMAR PILLAI(HC01899), PRIVATE SECRETARY, at High Court of Gujarat on 01/10/2026 18:32:10