



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 WRIT PETITION NO. 3972 OF 2026

X Y Z

VERSUS

The State Of Maharashtra Through Its Secretary And Anr

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Mr. Murlidhar S. Karad - Advocate for the Petitioner

Mr. V. M. Kagne - AGP for the State

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CORAM : SMT. VIBHA KANKANWADI

AND

NEERAJ P. DHOTE, JJ.

DATED : 18TH APRIL, 2026

PER COURT : -

1. The present petition has been filed under Article 226 of the Constitution of India by a minor through her guardian mother for termination of pregnancy through the registered medical practitioner.

2. The petitioner, who is stated to be 17 years and 7 months old, has filed the present petition stating that she is a victim of sexual assault. Her date of birth is 22.09.2008. It is alleged that, an accused by misrepresenting her had committed rape on her and thereby she became pregnant. An FIR came to be lodged vide C.R. No. 0208 of 2026 with the CIDCO Police Station, Chhatrapati Sambhajnagar, for the offences punishable under Sections 12, 4, and 8 of the Protection of Children from Sexual Offences Act, 2012, and Sections 64 and 88 of the

Bharatiya Nyaya Sanhita, 2023. The fact of pregnancy and the lodging of the report are at a belated stage. When she was medically examined on 09.04.2026 at GHATI Hospital, it was informed that she was pregnant with a gestational age of 26 weeks and 1 day. It is submitted on behalf of the petitioner that she has no intention of carrying the pregnancy further and seeks to terminate the same.

3. After hearing the learned Advocate for the petitioner, by our order dated 16.04.2026, we had directed Respondent No. 2 – Dean to formulate Medical Board and get the Petitioner examined. A report was to be submitted today. Accordingly, the report has been submitted. Respondent No. 2 appointed five (5) medical officers from different departments to examine the petitioner. The report of the USG obstetric anomaly scan provides the findings that as USG scan done on 17.04.2026 s/o SLIUG of 27 weeks with none obvious congenital anomaly seen at present scan. The opinion of the Medical Board is in favour of the termination of pregnancy and the gestation for the decision has been given. As per the psychiatrist's opinion, medical termination of pregnancy should be considered in view of the psychological circumstances, and all committee members agree with the said opinion. The opinion is with a rider that as the pregnancy has advanced to a gestational age of 27 weeks (estimated fetal weight of 1023 gms), the baby likely to born will be alive hence the method for

termination will involve intra-cardiac KCL injection and induction of intrauterine fetal demise so that the baby born will be non-viable after birth, and the risk involved in intervention like surgical intervention, blood transfusion will be as per procedure.

4. In the present case, we would like to take help of the observations from the decision of this Court in **Writ Petition No. 12194 of 2025 (XYZ Versus The State of Maharashtra Through Secretary and Another) decided on 7th October, 2025**. In the said case, we had taken note of the decision of the Hon'ble Supreme Court in **Suchita srivastava Vs. Chandigarh Administration**; (2009) 9 SCC 1, as well as **A (Mother of X) Vs. State of Maharashtra and Another**; (2024) 5 SCR 470. In the order dated 7th October, 2025, passed by this Court in which Hon'ble Smt. Justice Vibha Kankanwadi was a member of the Bench, it was observed that, it is necessary to restate the constitutional guarantees that govern such cases. The Constitution of India, through Article 14, 19 and 21 guarantees every individual the right to live with dignity, autonomy and bodily integrity. For women, and particularly for women who are victims of sexual assault, these rights are not abstract ideals but they are living assurances that the law will not compound their trauma. Certain directions were then issued in **A (Mother of X) (supra)** as to what precautions this Court is required to undertake and, therefore, certainly those safeguards laid down therein would be followed.

5. In addition, we would observe that, in cases involving victims of sexual offences, they cannot be compelled to carry the pregnancy till delivery, as it would cause a mental scar and trauma to them. Of course, in the case of a minor girl, motherhood cannot be thrust upon her against her wishes. It will not be out of place to mention here that, in Writ Petition No. 12194 of 2025, taking into consideration the fact that the victim therein was a 35-year-old lady, this Court had refused to grant permission for termination at an advanced stage of gestation. However, having regard to the age of the petitioner in the present case, the circumstances of sexual assault, and the medical opinion, this Court is inclined to grant permission for termination of pregnancy. We would also like to take the support of the decision in **Writ Petition No. 15621 of 2025 (X.Y.Z. v. The State of Maharashtra, through Secretary and Another)**, decided on 24th December 2025, wherein this Court considered Section 3 of the Medical Termination of Pregnancy Act, 1971, Rule 3 of the Medical Termination of Pregnancy Rules, 2003, and Section 69 of the Bharatiya Nyaya Sanhita, 2023, and allowed the Petitioner therein to terminate the pregnancy.

6. In the case at hand, in the report submitted today, it has been stated that, “the Radiology Department at Government Medical College, Chhatrapati Sambhajnagar, does not have the facility for

intra-cardiac KCL injection as per the HOD radiologist's opinion. Hence, the pregnancy should be terminated at an institute where intra-cardiac KCL injection facility is available. Upon query, the learned AGP submits that, the said facility is available at JJ Hospital, Mumbai. Under such circumstances, we pass the following order: -

ORDER

- [i] The Writ Petition is allowed.
- [ii] The Petitioner is permitted to terminate her pregnancy at JJ Hospital, Mumbai, under the proper medical supervision, within a period three (3) days or any other earliest day, as per the medical advice.
- [iii] As the criminal case registered by the Petitioner is under investigation and would be put to trial, we direct the Medical Officer/s to preserve the evidence for subsequent DNA test report by drawing tissues from the foetus in order to use it as a piece of evidence in the ensuing trial to be prosecuted by the Petitioner. It is needless to observe that in the event tissues are drawn for the purpose of DNA test the same shall be handed over to the investigating agency by the concerned hospital.
- [iv] Parties to act upon an authenticated copy of this order.

[NEERAJ P. DHOTE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE