

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

WRIT PETITION NO.4021 OF 2026

ABC ...Petitioner
Versus
State of Maharashtra and Ors. ...Respondents

Mr. Vivekanand Vinod Krishnan with Mr. Abhijeet A. Dixit,
Ms. Chaitali Bhogle and Mr. Rishab Tiwari for the Petitioner.

Ms. M. P. Thakur, A.G.P for the Respondents–State.

***CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATE : 1st APRIL 2026

P.C. :

1. As directed by us, the petitioner, a minor girl is examined by the Medical Board constituted for the purpose of termination of pregnancy in the Grant Government Medical College & Sir J.J. Group of Hospitals, Mumbai.

2. The report placed before us in a sealed envelope through Ms. Thakur, learned A.G.P. is taken on record and marked 'X' for identification.

The report refer to the discussion with the petitioner along with her parents and other relatives. She was subjected to Ultrasonography (USG) Obstetrics and the report record thus:-

“SINGLE LIVE INTRAUTERINE GESTATION OF MEAN GESTATIONAL AGE OF 28 WEEKS AND 3 DAYS WITH NORMAL DOPPLER STUDY, WITH CEPHALIC PRESENTATION, ANTERIOR RIGHT LATERAL PLACENTA, NORMAL AMNIOTIC FLUID INDEX (10.6) CM, WITH 3 VESSELS, NO CORD AROUND NECK. Expected Foetal Weight - 1279 GM.”

3. The expected due date as per the report is set out as 20th June 2026. However, as far as the mother's health is concerned, the report suggest that she is severely anaemic with haemoglobin levels of 5.6 gm/% and infact when she reported to the hospital she was transfused one unit of blood by way of primary, immediate treatment.

The girl is at an advanced stage of gestation, the report record that an intervention for terminating the pregnancy at this stage is fraught with risk to her life as also to her overall long term well-being.

The condition was discussed with the relatives and also herself as she was found to be comfortable in discussing the issue and thereafter an option of continuing the pregnancy with the necessary antenatal care and delivering the baby at a term was put forth, which would give adequate time for the mother's health to improve and the report record that the victim and her relatives have unanimously agreed to follow the line of management.

They were also offered the option of indoor treatment at Sir J.J. Group of Hospitals, Mumbai, for the remainder of the pregnancy along with the conduction of delivery and handing over the baby for adoption, but the patient and her relatives have expressed their desire to avail of further antenatal care and delivery at Yeola/Nashik and the remark in the report also record that the family is not particularly perturbed with the hypothetical, ostensible possibility of social stigma but are more concerned about the victim's health. In the aforesaid scenario, the opinion expressed by the Medical Board reads thus:-

“Opinion at this stage:-

As the pregnancy is beyond 24 weeks & the foetus is not anomalous, it is beyond the scope of this Board to allow the termination of pregnancy.

This Board humbly submits to the Hon’ble High Court in terms of the unanimous and unequivocal desire expressed by the victim and her relatives: for the continuation of pregnancy with antenatal care and delivery being affected at a well-equipped Government Hospital and the newborn to be given for adoption following due process as per the law.”

4. In the light of the aforesaid, since Sir J.J. Group of Hospitals, Mumbai, also expressed a threat to the life of the mother on account of low haemoglobin count, the petitioner along with her family members have been counselled and are made aware of the consequences of terminating the pregnancy and they have agreed that she shall continue with the pregnancy and after she give birth to a child, it shall be handed over for adoption.

It is in the aforesaid circumstances, we deem it appropriate to direct her to complete her full gestation period and pursuant thereto we allow her to deliver the child in the hospital of her choice but we prefer it to be the Civil Hospital at Nashik as she was examined in the

said hospital and they are aware of her medical condition including low levels of haemoglobin.

In the wake of the aforesaid, we dismiss the writ petition as the victim herself have agreed, for medical reasons, to continue with the pregnancy and giving birth to a child on full period of gestation.

Writ Petition is accordingly disposed of.

MANJUSHA DESHPANDE, J.

BHARATI DANGRE, J.