

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5683 OF 2026**

XYZ

...Petitioner

Vs.

The State of Maharashtra through
the Principal Secretary Public Health

Department

....Respondent

Ms Afreen Khan, for the Petitioner.

Ms M P Thakur, AGP, for the Respondent / State.

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CORAM: BHARATI DANGRE &**MANJUSHA DESHPANDE, JJ.****DATED : 30th APRIL, 2026****P.C.**

1. As directed by us, the report of the Dean, B J Medical Government College, Sassoon General Hospital is placed before us. The report is taken on record and marked 'X' for identification.

2. The report submitted under the signature of Professor and Head of Department Obstetrics and Gynaecology and Associate Professor and the Head of the unit Obstetrics and Gynaecology of the said hospital, state that pursuant to the orders passed by this Court, the patient was referred to Medical Board which was constituted for medical termination of

pregnancy and for examining the patient. The pregnancy was allowed to be terminated under the orders of this Court.

The report state that the patient was admitted and Pathological and Radiological investigations were done. It was also clearly state that she was given preference than routine patients in view of urgency of the matter and in light of the High Court directions.

All routine laboratory investigations were sent and reports were to be received in the evening for the opinion of the other board members.

Ultrasonography was carried on at 1:30 p.m. which confirmed single live intrauterine fetus of 23 weeks and 6 days. The patient was also referred to Senior Psychiatrist who counselled her. She was also examined by Senior Anaesthesiologist and with a remark of high risk consent, he declared that the patient can be taken for medical termination of pregnancy with due risk with ASA Grade 2.

3. In the wake of aforesaid preparatory steps being taken, it was informed that procedure will be carried out on 29 April 2026 early morning. However, on 28 April 2026, at 9:30 p.m., the patient was found missing from her bed and even her partner was also not seen around. When attempt was made to contact her telephonically and search was taken in the hospital premises, she was not traced. When the telephonic contact was established, she informed that she had gone to her relative's place and likely

to return back next morning. However, she could not offer any explanation why she left the hospital. The report further state that the patient did not return to the hospital and the procedure could not be carried out on 29 April 2026. Even on 29 April 2026, she did not report and this information was taken note by the Medical Superintendent.

4. From the perusal of the report, it is evident that the petitioner is not interested in completing the process of termination of the pregnancy and according to the learned Counsel representing her, she informed her that she will be taking recourse to some private hospital and she do not want to get the procedure carried out through the B J Medical Government College, Sassoon General Hospital.

5. In the peculiar circumstances, we have left with no alternative than to dismiss the petition but we must clear that the petitioner has taken the Court as well as the hospital and even her Counsel for a ride as in the wake of provisions of Medical Termination of Pregnancy Act, 1971, since her pregnancy was about 22 weeks, she was advised to approach the Court. Accordingly, the petition was filed seeking permission of this Court for termination of the pregnancy. But ultimately, it is choice of the petitioner, as while directing her medical examination, we have clearly expressed a view that she is entitled to have exercise her body autonomy and whether she

intend to continue with the pregnancy or terminate the same and if she has made a choice, we have nothing to say.

6. The petition stands dismissed.

(MANJUSHA DESHPANDE, J.) (BHARATI DANGRE, J.)