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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6587 OF 2026

X Throu. Her Guardian
Nasima Abdul Kalam Ansari
Versus
The State of Maharashtra Throu.
The Govt. Pleader & Ors.

...Petitioner
...Respondents

Mrs. Pranali Kakade for the Petitioner.

Smt. Pooja Patil, A.G.P for the Respondent-State.

Dr. Amrita Jain, Head of Unit, DBS-GYN, J.J.Hospital, Mumbai

CORAM : GAUTAM A. ANKHAD &
SANDESH D. PATIL, JJ.
DATE : 18th MAY, 2026
(VACATION COURT)

P.C. :

1. The petition is filed by the survivor through her maternal aunt for termination of pregnancy.
2. It is the case of the petitioner that the petitioner survivor was 17 years, 1 month, 24 days as on the date of filing of the petition. The

biological mother of the survivor died on 15th April, 2026. Thereafter, the petitioner was residing with her maternal aunt. The petitioner was sexually assaulted and therefore, the FIR was lodged by the petitioner at the behest of the survivor bearing FIR No.394 of 2026 under Section 64(1) and 64(2) (I) of the Bharatiya Nyaya Sanhita, 2023 r/w Section 4 of the Prevention of Children from Sexual Offences Act, 2012.

3. The matter was mentioned before us on 13th May, 2026. We had kept the matter on 14th May, 2026 and we had constituted a Medical Board in terms of Section 3 of the Medical Termination of Pregnancy Act, 1971 for medical examination of the victim.

4. The Board examined the survivor on 17th May, 2026 and submitted the report. The said report dated 18th May, 2026 is taken on record and marked 'X' for identification. The Medical Board, after examining the survivor had opined that the survivor was fit for medical termination of pregnancy. It opined that as the pregnancy has crossed 24 weeks and the foetus does not suffer from any congenital anomalies permitting the medical termination of pregnancy was beyond the purview

of the Medical Board. They opined that the foetus was age about 25 weeks and one day.

5. We had interacted with Dr. Amruta Jain, Head of Unit, OBS-GYN, J.J.Hospital, Mumbai, who was the Chairman of the Committee, who was present through V.C. She informed us that the foetus is of about 25 weeks and that the petitioner / survivor is fit for medical termination of pregnancy. She stated that the foetus does not suffer from any congenital anomalies. We had also asked the survivor who was present before us on V.C. as to whether she understood the consequences of her application in this Court and whether she wanted the medical termination of pregnancy on her own will or whether she was being pressurized by anybody else. The survivor replied that she wanted the medical termination of pregnancy to be done as per her own will and she had applied for medical termination of pregnancy, without being coerced by any other person.

6. We have heard the learned Counsel appearing for the petitioner as well as the learned A.G.P for the Respondent – State.

7. After considering the facts and circumstances of the case, after interacting with the survivor and after going through the report dated 18th May, 2026, we are of the confirmed opinion that the petition deserves to be allowed.

8. We are conscious of the petitioner's right to reproductive freedom, her autonomy over the body, and her right to choice, privacy and dignity, all of which are constitutionally protected. Medical Termination of Pregnancy Act, 1971 (**MTP**) does not allow any interference with the personal choice of pregnant woman in terms of proceeding with the termination. The MTP Act leaves no scope for interference by the family or the partner of the pregnant person in matters of reproductive choice.

9. In the Premises aforesaid, we direct the Dean of Sir J.J.Hospital, Mumbai, to perform the intrauterine foeticide at Sir J.J. Hospital, Mumbai after making all necessary arrangements.

10. The petitioner / survivor shall present herself before the authorities of J.J.Hospital by 4.00 p.m. tomorrow i.e. on 19th May, 2026,

after which, the Authorities of J. J. Hospital shall take steps to perform the intrauterine foeticide, after making all necessary arrangements.

11. In case the foetus is born alive, the State Government to incur all necessary expenses of the hospital, till the baby is discharged from the hospital.

12. The State Government to provide necessary compensation under the Manodhairya Scheme to the petitioner / survivor.

13. In this circumstances, the petition is allowed in terms of the aforesaid directions.

14. Writ Petition No.6587 of 2026 stands disposed of accordingly.

SANDESH D. PATIL, J.

GAUTAM A. ANKHAD, J.