HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 18559/2026
CNR: RJHC010793872026 | URN: CW / 32047U / 2026

Minor Victim 'M'

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Medical, Health And Family Welfare, Government Secretariat, Jaipur.
2. The Medical Superintendent/principal, S.d.m. Government District Hospital, Bikaner (Affiliated To Sardar Patel Medical College, Bikaner), Jassusar Gate, Bikaner.
3. The Chairperson, Medical Board Constituted/to Be Constituted For Medical Examination Of The Petitioner, S.D.M. Government District Hospital, Bikaner.
4. State Of Rajasthan, Through The Secretary, Home Department, Government Secretariat, Jaipur.
5. The Station House Officer, Police Station Mukta Prasad Nagar, District Bikaner.

----Respondents

For Petitioner(s)	:	Ms. Sapna Vaishnav
For Respondent(s)	:	Ms. Kanchan Jodha for Mr. N.S. Rajpurohit, AAG

JUSTICE ANOOP KUMAR DHAND

Order

06/08/2026

1. The petitioner is a minor victim of rape as she was subjected to sexual assault by the accused due to which she became pregnant for the aforesaid incident, the FIR No.199/2026 was registered at the Police Station Mukta Prasad Nagar, District Bikaner for the offences punishable under Sections 64(2)(f), 64(2)(m) and 351 (3) of the Baratiya Nyaya Sanhita, 2023 (for short,

'BNS, 2023') and Sections 3(a)/4(1) and 5(l)/6 of the Prevention of Children from Sexual Offences Act, 2012 (for short, 'the Act of 2012').

2. The victim-petitioner has approached this Court by way of filing of the instant petition seeking permission for termination of her pregnancy, which is alleged to be of 22 weeks.

3. To ascertain the aforesaid aspect of the matter, this Court vide order dated 05.08.2026 after hearing the Counsel for the parties and looking to the urgency of the matter, passed an order directing the constitution of a Medical Board for examination of the victim-petitioner's health condition with regard to her pregnancy.

4. In compliance of the aforesaid order dated 05.08.2026 the victim was produced by the SHO, Police Station Mukta Prasad Nagar, District Bikaner before SDM Government Hospital, Bikaner where a Medical Board was constituted for examination of the victim-petitioner's health condition with regard to her pregnancy. Consequently, the Medical Board has given its opinion indicating therein that the victim-petitioner is carrying 22 weeks pregnancy and has opined that the victim-petitioner is fit for MTP i.e. Medical Termination Pregnancy with due precaution. The opinion of the Medical Board is placed on record marked as Annexure-C/1 for ready reference the opinion of the Medical Board is reproduced hereinunder :-

> *"Medical Board opinion :-*
> *In compliance of order dated 5.8.2026 passed by Hon'ble High Court, the patient was a examined by Medical Board Name miss Mansi D/ o Bhagirath Solanki, Aged 17 years 5 months R/o Chandni bass vali gali, Ranisar Bass, Bikaner.*
> *I.d. Mark (1) Black mole at (c) cheek*
> *(2) Black Mole on the posterior of (2) forearm*

Pt. is 17 yr 5 months old a USG showing single live intrauterine pregnancy of 22 week O day. Hemoglobin 8.6 g/dL S/o moderate Anemia. Other routine ANC investigations are within normal limit. General Condition of patient normal. No major medical /surgical, comorbidity was detected. The patient is minor and victim seeking termination of pregnancy. On patient Clinical examination no significant medical contraindication for medical examination of pregnancy is found. Hb level is 8.6 gm/dl indicating moderate Anemia, however this alone does not preclude termination. Necessary precaution including correcion of Anemia, Blood arrangement and monitoring are advised.
Therefore medical termination of pregnancy appears medically feasible and can be under taken at an appropriate testing Care Center with adequate facilities and multidisciplinary support. The procedure & possible complication including hemorrhage, infection; need for blood transfusion, induction failure and surgical intervention should explained to the guardian/parents.
***Medical Board opinion** :- Patient is fit for MTP with due precaution."*

5. The Hon'ble Apex Court in the case of **'A' (mother of the 'X' vs. State of Maharastra)** in Civil Appeal No.5194/2024, vide order dated 22.04.2024 has allowed the termination of pregnancy is a minor rape victim carrying pregnancy of 26 weeks.

6. It has been observed by the Hon'ble Apex Court in para 10 to 11, which is reads as under :-

"10. The following circumstances have been borne in mind, at this stage:
(i) The medical termination of pregnancy is sought in respect of a minor who is 14 years old;
(ii) The pregnancy is alleged to be an emanation from a sexual assault which has resulted in the registration of a First Information Report. The FIR was recorded on 20 March 2024 beyond the period of 24 weeks envisaged in the MTP Act;
(iii) The minor was unaware of the fact that she was pregnant until a very late stage;
(iv) The Medical Board at Sion Hospital has clearly opined that the continuation of the pregnancy against the will of the minor "may impact negatively on physical and mental well being of the minor who is barely 14years old"; and

> (v) While a certain degree of risk is involved in every procedure for medical termination, the Medical Board has opined that the threat to life of the patient if termination of pregnancy is carried out at this stage is not higher than the risk of delivery at full term of pregnancy.
> 11. We will further elaborate on the guiding parameters in a reasoned order which will be delivered separately. However, bearing in mind the exigencies of the situation, the welfare of the minor, which is of paramount importance and her safety, we pass the following order:
> (i) The judgment and order of the High Court of Judicature at Bombay dated 4April 2024 shall stand set aside for reasons to follow;
> (ii) The Dean at Sion Hospital is requested to immediately constitute a team for undertaking the medical termination of pregnancy of the minor in respect of whom the Medical Board has submitted its report dated 20 April 2024;
> (iii) Arrangements shall be made by the State for transportation of the minor to the Hospital and for her return home after the completion of the procedure;
> (iv) The State has agreed to bear all the expenses in connection with the procedure and all medical expenses required in the interest of the safety and welfare of the minor; and
> (v) Post-termination if any further medical care is required, this may been sured in the interest of the minor."

7. Following the aforesaid order passed by the Hon'ble Supreme Court in the above matter and looking to the victim-petitioner's age i.e. 17 years, who is a rape victim and has become pregnant due to sexual assault committed by the accused and also looking to the opinion of the Medical Board that the victim-petitioner is carrying pregnancy of 22 weeks and that medical termination of pregnancy is medically feasible, this Court is of the opinion that the instant case is a fit case where permission can be granted to the victim-petitioner for termination of her pregnancy.

8. In view of the factual aspects of the matter, the instant petition stands disposed of with direction to the respondents to take immediate steps for termination of pregnancy of the victim-

petitioner, keeping in mind all safety measures during the procedure to be undertaken at SDM Government Hospital, Bikaner

9. Counsel for the respondent is directed to inform the Superintendent of the SDM Government Hospital, Bikaner to do the needful immediately. The Superintendent of the SDM Government Hospital, Bikaner is directed to retain the blood, cord and fetus for the purpose of DNA and forensic science report analysis and handover the same to the Investigating Officer as when desired for the aforesaid purpose.

10. The victim-petitioner shall forthwith present herself before the authorities at the SDM Government Hospital, Bikaner for the procedure to be undertaken

11. With the aforesaid observation, the instant writ petition stands disposed of.

12. The report of the Medical Board is ordered to be retained on the record.

13. Let a copy of this order be given to counsel for both the parties under the seal and signature of the Court Master for necessary compliance.

(ANOOP KUMAR DHAND),J

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