



2026:CGHC:23446

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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2616 of 2026****1 - XYZ (Particulars of Petitioner/ Victim In The Closed Envelop)****... Petitioner(s)****versus****1 - State Of Chhattisgarh Through Secretary, Ministry Of Public Health And Welfare, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, Chhattisgarh.****2 - Collector Bilaspur, Distt. Bilaspur, Chhattisgarh.****3 - Chairman District Medical Board, Bilaspur, Chhattisgarh.****4 - Chief Medical Health Officer (Cmho) Medical Board Of Chhattisgarh Institute Of Medical Science (Cims), Distt. Bilaspur, Chhattisgarh.****5 - Head Of Department (Hod) Department Of Gynaecology, Cims Bilaspur, Distt. Bilaspur, Chhattisgarh.****6 - Station House Officer P.S. Civil Lines, Bilaspur, Distt. Bilaspur, Chhattisgarh.****... Respondents****For Petitioner : Mr. Amit Xalxo, Advocate on behalf of Mr. Chitendra Singh, Advocate.****For State : Mr. Shobhit Mishra, Dy. Govt. Advocate.****Hon'ble Shri Justice Narendra Kumar Vyas****Order on Board****21/05/2026**

1. The petitioner is a victim of forcible sexual intercourse committed with her by the accused of Crime No. 193/2026 registered at Police Station- Civil Lines, District- Bilaspur (C.G.). As a result of said forcible sexual intercourse, the petitioner is carrying pregnancy, which she wants to abort, as the said pregnancy is causing her anguish and she does not want to have a child born out of a person who has ravished her without her consent and has subjected her to humility and embarrassment before the society.
2. This petition has been filed on 15.05.2026 seeking a direction to the



authorities to form a panel of expert medical practitioners for the purpose of termination of petitioner's pregnancy. The petitioner also seeks direction to the respondents to admit her to Chhattisgarh Institute of Medical Science (CIMS) Bilaspur as early as possible for deputing the expert registered medical practitioners to cause termination of pregnancy.

3. This Court vide order dated 19.05.2026 directed the Chief Medical & Health Officer, Bilaspur to examine the petitioner by team of experts one of which should be Gynecologist and to submit report in terms of Section 3(2) of the Medical Termination of Pregnancy Act, 1971 (for short "the Act, 1971") and the Rules framed under the Act of 1971.
4. In compliance of the direction issued by this Court, the said authority examined the victim and submitted their report before this Court mentioning that the victim is carrying 14-16 weeks pregnancy.
5. I have heard learned counsel for the parties and perused the documents placed on record with utmost satisfaction.
6. The law with regard to the proceedings for termination of pregnancy has been framed in the Act, 1971 {as amended by the Medical Termination of Pregnancy (Amendment) Act, 2021} and Section 3 of the Act, 1971 specifically deals with the conditions. which are required and which have to be adhered to. For better understanding, Section 3 of the Act, 1971 is extracted below:-

"Section 3. When Pregnancies may be terminated by registered medical practitioners.—(1) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), a registered medical practitioner shall not be guilty of any offence under that Code or under any other law for the time being in force, if any pregnancy is terminated by him in accordance with the provisions of this Act.



(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by a registered medical practitioner,-

(a) where the length of the pregnancy does not exceed twenty weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twenty weeks but does not exceed twenty-four weeks in case of such category of woman as may be prescribed by rules made under this Act, if not less than two registered medical practitioners are, of the opinion, formed in good faith, that,-

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from any serious physical or mental abnormality.

Explanation 1.-For the purposes of clause (a), where any pregnancy occurs as a result of failure of any device or method used by any woman or her partner for the purpose of limiting the number of children or preventing pregnancy, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

Explanation 2.-For the purposes of clauses (a) and (b), where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by the pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

(2A) The norms for the registered medical practitioner whose opinion is required for termination of pregnancy at different gestational age shall be such as may be prescribed by rules made under this Act.

(2B) The provisions of sub-section (2) relating to the length of the pregnancy shall not apply to the termination of pregnancy by the medical practitioner where such termination is necessitated by the diagnosis of any of the substantial foetal abnormalities diagnosed by a Medical Board.

(2C) Every State Government or Union territory, as the case may be, shall, by notification in the Official Gazette, constitute a Board to be called a Medical Board for the purposes of this Act to exercise such powers and functions as may be prescribed by rules made under this Act. (2D) The Medical Board shall consist of the following, namely:-

(a) a Gynaecologist;

(b) a Paediatrician;

(c) a Radiologist or Sonologist: and

(d) such other number of members as may be notified in the Official Gazette by the State Government or Union territory, as the case may be.”

(3) In determining whether the continuance of a pregnancy would involve such risk of injury to the health as is mentioned in



sub-section (2), account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(4) (a) No pregnancy of a woman, who has not attained the age of eighteen years, or, who having attained the age of eighteen years, is a mentally ill person, shall be terminated except with the consent in writing of her guardian.

(b) Save as otherwise provided in clause (a), no pregnancy shall be terminated except with the consent of the pregnant woman."

7. Hon'ble the Supreme Court in the matter of **X Vs. Union of India & others [(2016) 14 SCC 382]** has clearly held that termination of pregnancy after 20 weeks to save life of pregnant woman (an alleged rape victim) in case of grave danger to physical and mental health of the said woman, is permissible, and observed as under :-

"13. Having perused the medical report (relevant extracts whereof have been reproduced herein above), we are satisfied that a clear finding has been recorded by the Medical Board, that the risk to the petitioner of continuation of her pregnancy can gravely endanger her physical and mental health. The Medical Board has also expressed an advice that the patient should not continue with the pregnancy. In view of the findings recorded in Para 6 of the report, coupled with the recommendation and advice tendered by the Medical Board, we are satisfied that it is permissible to allow the petitioner to terminate her pregnancy in terms of Section 5 of the Medical Termination of Pregnancy Act, 1971. In view of the above, we grant liberty to the petitioner, if she is so advised, to terminate her pregnancy.

8. Similar proposition has been laid down by Hon'ble the Supreme Court in the matter of **X & others Vs. Union of India & others [(2017) 3 SCC 458]** and also in the matter of **Meera Santosh Pal & others Vs. Union of India & others [(2017) 3 SCC 462]**.
9. Further, Hon'ble the Supreme Court in the matter of **Mrs. A Vs. Union of India and others [AIR 2017 SC 4037]** has granted permission for termination of pregnancy of a woman, aged 22 years, in her 25th to 26th weeks of pregnancy holding that continuation of pregnancy can pose severe mental injury to the petitioner and no additional risk to the petitioner's life is involved if she is allowed to undergo termination of her



pregnancy. Hon'ble the Supreme Court in paragraph 6 & 7 has held as under:-

“6. Upon evaluation of the petitioner, the aforesaid Medical Board has concluded that her current pregnancy is of 25 to 26 weeks. The condition of the foetus is not compatible with life. The medical evidence clearly suggests that there is no point in allowing the pregnancy to run its full course since the foetus would not be able to survive outside the uterus without a skull.

7. Importantly, it is reported that the continuation of pregnancy can pose severe mental injury to the petitioner and no additional risk to the petitioner's life is involved if she is allowed to undergo termination of her pregnancy.”

10. The victim of rape must be given that much of liberty and right to decide whether she should continue with the pregnancy or she should be permitted to terminate the pregnancy. In the present case, it is quite vivid that the petitioner is carrying 14-16 weeks pregnancy and unless the judicial order directing termination is available, it may not be possible for the doctors even to proceed with termination of pregnancy.
11. Considering the facts and circumstances of the case, the gestational age; and judicial precedents, the writ petition is allowed.
12. The petitioner is directed to be admitted to the Government District Hospital Bilaspur/ Chhattisgarh Institute of Medical Science (CIMS) Bilaspur (with ICU facilities), **today** or in the **early hours of tomorrow** and thereafter, the authority concerned shall depute expert registered medical practitioners to cause termination of petitioner's pregnancy by obtaining consent of the victim/ her parents.
13. The authorities are also directed to preserve the DNA sample of the fetus for further reference as the criminal case against the accused is pending.
14. A copy of this order be immediately transmitted to the Collector



Bilaspur, Chief Medical & Health Officer, Bilaspur, Dean Chhattisgarh

Institute of Medical Science (CIMS) Bilaspur, as also to the learned
counsel appearing for the State for necessary compliance.

Certified copy as per rules.

**Sd/-
(Narendra Kumar Vyas)
Judge**

Arun